

# THE DEPARTMENT OF STATE BULLETIN

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## *In this issue*

### THE STATE OF THE UNION:

*Annual Message of the President to the Congress*

### PRIVATE INTERNATIONAL AIR LAW

*Article by Stephen Latchford*

### IN DEFENSE OF THE AMERICAS AGAINST AXIS POLITICAL AGGRESSION:

THE EMERGENCY ADVISORY COMMITTEE FOR POLITICAL DEFENSE



THE DEPARTMENT OF STATE

# BULLETIN

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# In Defense of the Americas Against Axis Political Aggression

## The Emergency Advisory Committee for Political Defense<sup>1</sup>

OF THE VARIOUS Inter-American agencies established prior to and during the war to advise the governments on emergency problems, perhaps the Emergency Advisory Committee for Political Defense represents the most radical departure from past experience and tradition. Although none of its characteristics can be said to be entirely new, their combination in and application by the Committee are in many respects quite novel. The means and manner by which the Committee has carried out the task with which it was charged appear to be of as much interest as its actual accomplishments, which themselves have constituted, during the nearly three years since its creation, a vital contribution to the defense of the Americas.

### I

#### The Establishment and Organization of the Committee

When the Third Meeting of the Ministers of Foreign Affairs of the American Republics was held in Rio de Janeiro in January of 1942, the entire continent had come to realize the seriousness of the threat with which it was faced. It was at last fully awake to the vital danger presented both by the well-planned and well-executed political and psychological offensive which the Axis states had been carrying on for years and by the military aggression of which the Americas became victims on December 7, 1941.

Therefore, the governments represented at the Third Meeting recommended, in resolution I, the breaking of diplomatic relations with the Axis; in resolution XVII they agreed on a political-defense policy for the individual and collective defense of the continent and created the Committee to advise them on the implementation of the policy and the coordination of the measures for joint defense against the constantly changing Axis attack.

The pertinent provision of resolution XVII reads as follows:

"To study and coordinate the measures recommended in this Resolution, the Governing Board of the Pan American Union shall elect, prior to March 1, 1942, a committee of seven members to be known as 'The Emergency Advisory Committee for Political Defense'."

The Union was also requested to determine the function of the Committee, prepare its regulations, and fix its budget of expenditures, "after consulting the Governments of the American Republics".

This directive was fulfilled, and the Committee, composed of members appointed by 7 governments but representing and acting in the interest of all 21 American republics, held its first session at its permanent headquarters in Montevideo, Uruguay, on April 15, 1942.<sup>2</sup> It has been in practically continuous session since that date.

Pursuant to its bylaws and rules of internal procedure, the Committee has a permanent secretariat appointed by the Government of Uruguay, and a technical consultant and two assistants appointed by the Committee. It has appropriate subcommittees to study variants of Axis subversive activities and the relevant legislative and administrative control measures in the republics, as well as the suggestions and proposals received from the governments. On the basis of this study the subcom-

<sup>1</sup> The principal sources of information used in the preparation of this article are: The first and second Annual Reports of the Committee, and "The Emergency Advisory Committee for Political Defense", by Carl B. Spaeth and William Sanders (*American Journal of International Law*, vol. 38, No. 2, April 1944; published in Spanish in *La Revista de Derecho, Jurisprudencia y Administración* of Uruguay, August 1944). Mr. Spaeth is Chief of the Division of River Plate Affairs, Office of American Republic Affairs, Department of State. Mr. Sanders is the member appointed by the United States on the Emergency Advisory Committee for Political Defense.

<sup>2</sup> BULLETIN of Apr. 11, 1942, p. 322.



mittees prepare draft resolutions or programs of action for consideration by the full Committee.

Four major methods, two proposed by the regulations approved by the Governing Board of the Pan American Union and two devised by the Committee as the result of its own experience, are utilized in the development of its work in conjunction with the governments of the 21 American republics:

- a) Liaison officers between the governments of each of the republics and the Committee.
- b) National committees for political defense.
- c) Consultative visits.
- d) General and regional meetings of national officials.

The employment of liaison officers as a permanent means of contact between the Committee and the governments is provided for in the regulations of the organization. Article 4 provides:

"The Government of each country, member of the Pan American Union, shall be requested to designate a qualified official who shall reside in the capital city of his respective country, and who shall serve as a contact between his Government and the Committee."

The liaison officers constitute a permanent link between the governments and the Committee, and their activities consist principally in communicating information on the political-defense measures adopted by their countries, in transmitting proposals or initiatives that might serve as the basis of recommendations by the Committee, and in maintaining a permanent contact with the various governmental departments and agencies charged with the application of the measures recommended by the Committee.

In view of the ramifications of the problems of political defense and of the great variety of government agencies involved, it became evident shortly after the Committee began its work that the task of the liaison officers could be greatly facilitated by the creation of national interdepartmental committees in which all such agencies could be represented. The Committee, therefore, urged such a step, and national committees have been created in at least 10 American republics. In most of the other countries procedures or arrangements have been put into operation which serve the same purposes. The system of national committees and their equivalent has produced excellent results,

both in the assistance they have given the Committee and in establishing close working relations among the national officials dealing with political-defense matters.

The necessity for direct personal contact between the Committee and the governments was likewise recognized in the bylaws of the Committee, article 9 of which provides that "in the performance of its work the Committee may designate one or more of its members to visit the different countries, members of the Pan American Union." The Committee has made extensive use of this procedure, having carried out consultative visits to almost all the republics of the continent. These visits are discussed, and their results are appraised below.

Another method of contact between the Committee and the governments is that of regional or general meetings, which is designed to test the practical utility of the Committee's recommendations and to afford operating officials an opportunity for discussion of common problems and exchange of information. Since the objectives of these meetings are similar to those of the consultative visits, the Committee has resorted to this procedure on only one occasion, reserving it for use in special emergency cases which might affect a region or the continent as a whole.

#### Principles of Organization of the Committee

The Committee acts on the basis of an organic charter which defines its functions and the scope of its competence. This basic charter includes resolution XVII of the Third Meeting of the Ministers of Foreign Affairs at Rio de Janeiro, the memorandum annexed to that document, and other pertinent resolutions of the three meetings of foreign ministers. The existence of these controlling policy directives has had a decisive effect on the activities of the Committee.

It would have been extremely difficult for the Committee to devote its attention from the outset to the elaboration of concrete programs of political defense designed for immediate application by the governments, if the members had found it necessary first to come to an agreement on the basic policy of such programs. The fact that the Committee was created as an international organization with a basic grant of authority which determined the objectives of its action made it possible for it to devote itself immediately to the



study of the means by which these objectives might be realized.

The previous determination of the Committee's policy directives, moreover, not only facilitated consideration and approval of the recommendations by the Committee, but it also expedited and accounted for the acceptance of the recommendations by the various governments. This acceptance was a consequence of the fact that the American republics had previously committed themselves to the policy which the recommendations were designed to implement.

In carrying out its policy directives, the Committee, and each of its members, represents and acts on behalf of all the American republics.

As indicated previously, this principle is expressly provided for in article 2 of the bylaws, which requires that the Committee "shall represent and shall function on behalf and in the interests of all the governments members of the Pan American Union." This stipulation was accepted by the governments when they gave their approval to the bylaws submitted to them with the Governing Board's report of February 25, 1942.

It is clear that the Governing Board of the Pan American Union understood that the foreign ministers at Rio de Janeiro entrusted to it the responsibility of organizing a committee of 7 individuals to represent the 21 governments and not of 7 governments to act in the name of and on behalf of themselves and the other 14. The method of selection of the members, by having 7 governments designate them, was merely an incident of the

## Emergency Advisory Committee For Political Defense

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ALBERTO GUANI

### Members\*

PEDRO AURELIO DE GOES MONTEIRO

*Advisers:* Arthur dos Guimarães Bastos  
Manuel Pío Correa, Jr.

SERGIO MONTT RIVAS

*Adviser:* Oscar Ramírez Sotomayor

WILLIAM SANDERS

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MARIANO ARMENDÁRIZ DEL CASTILLO

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#### Secretary General:

José L. Chouhy Terra

#### Subsecretary:

Eduardo Jiménez de  
Aréchaga, Jr.

\*The members of the Committee, although appointed by the Governments of Brazil, Chile, United States of America, Mexico, Peru, Uruguay, and Venezuela respectively, represent and act in the name of the 21 American republics.

\*\*Señor Ricardo Boza Aizcorbe was appointed on October 19, 1944 by the Government of Peru, which was invited by the Governing Board of the Pan American Union to designate a member in view of the withdrawal from the Committee of the member appointed by the Government of Argentina.

Committee's organization resulting from the urgent need for its immediate establishment.

The Committee thus became the first inter-American body to be expressly required by the American republics to represent the entire community. There were sound reasons for this innovation, and the Committee's experience has abundantly demonstrated the wisdom of the step.

The representative principle may be considered inherent in the nature of the Committee as an international body of limited membership, the policy directives of which constitute an agreement among the entire group of interested governments. Limited membership alone would not have required the representative principle. (Similar international bodies are not expressly required by the governments to operate through accredited delegates or diplomatic channels.) It is the fact that the policy

directives of the Committee, to which all the republics are committed, authorize it to submit recommendations for immediate application by each country within its national territory that, in conjunction with its limited membership, made the representative principle imperative.

Without this principle the governments which had not designated the members would have been placed at a disadvantage in relation to those authorized to make the appointments, since only the latter would have had, through their members, an opportunity to determine the necessary measures by which the commitment entered into by the 21 governments at Rio de Janeiro could be

implemented throughout the continent. By converting the 7 members into a collective representative of the community, the representative principle assures equality to all the republics within the Committee. By thus placing each of the governments on an identical plane, the principle inexorably required the Committee to rely exclusively on the "instructions" from the 21 governments contained in resolution XVII. It was consequently imperative that the members be guided, as they have been, with one exception, solely by the definition of the general interest incorporated in that agreement on policy and objectives. This rule is a guaranty that the general interest defined in the policy directives will be impartially served.

Moreover, the representative principle not only insures equality of representation, but it also serves as a basic rule of interpretation by which the Committee measures the proposals which it submits to the governments for the implementation of the policy agreed upon at Rio de Janeiro. The members must judge all such measures from the point of view of suitability and utility in promoting the collective interest of the continent, rather than from the effect on particular national interests.

The representative principle thus has emphasized the supremacy of the general interest in the community of American republics as that interest is defined in the Committee's policy directives.

One of the important corollaries of this principle is that within the Committee the members act in an individual capacity. This expediency has meant a freedom from those considerations of protocol which so often complicate and delay the action of a gathering of delegates, each of whom speaks and acts exclusively in the name and on behalf of a sovereign government. Moreover, controversial issues could be considered and resolved on their merits; the individual members could freely express their opinions without involving their governments in any manner. As a result, the decisions of the majority could be submitted to the governments as the decisions of the Committee with no mention of minority votes.

#### Activities of the Committee

##### *Legislative Program*

Between April 15, 1942 and June 11, 1943 the Committee submitted 21 programs of action to the American governments. The programs are de-

tailed applications of the policies of resolution XVII and are built around the four-fold division of the memorandum attached thereto:

- (a) The control of dangerous aliens;
- (b) The prevention of abuse of citizenship;
- (c) The regulation of entry and exit and the prevention of clandestine crossing of frontiers; and
- (d) The prevention of acts of political aggression, including espionage, sabotage, and the dissemination of totalitarian propaganda, and the protection of vital information through censorship controls.

The Committee, in preparing the programs, studied the problems which called for emergency defense action and investigated the legislative and constitutional structure of the several republics.

The Committee's studies and the information furnished by national officials revealed that, while the statutes of the American republics prior to the Rio Conference were in general adequate to deal with acts prejudicial to the state and its institutions in peacetime, they could not readily be utilized to cope with the wide-spread organization and ever-changing tactics of Axis political warfare. Hence it became evident that, in all the areas covered by resolution XVII, proposals would have to be designed to key both legislation and administration to security problems as presented by the war and, particularly, to cope with the known facts of Nazi organization and method. Therefore, programs were submitted, under division (a), on the registration of aliens, certificates of identity, and the detention and expulsion of dangerous Axis nationals; and, under division (d), on the protection of ships and port facilities, the censorship of international communications, the protection of inland facilities against sabotage, and clandestine radio stations. Under divisions (b) and (c) two comprehensive recommendations, one on each of the subjects indicated, were submitted.

Variations in the character of the problems and in the legal structure among the republics obliged the Committee to base its program on general principles and minimum standards. Resort to minimum standards was believed imperative as a means of laying the groundwork for a coordinated continental system of political defense. Hence the recommendations did not take the form of draft laws or decrees, but they provided, in considerable detail, a basis for such laws or decrees.

Although the programs were to be directed primarily against the Axis aggressors and their nationals, the foreign ministers were aware in the declaration of policy—as the Committee has been in its application—that Axis agents are often not of Axis nationality. Consequently the measures proposed by the Committee have included general provisions which are not keyed or limited by reference to nationality and in addition special, and often more exacting, measures directed at the Axis nationals or organizations.

The several parts of the legislative program constitute an integrated system of defense. In general the measures may be divided into two main groups: those concerned with all aspects of control over the individual (registration, detention and expulsion, abuse of citizenship, and control over travel); and those concerned with special security problems (protection of ships, ports, and plant facilities; censorship; dissemination of propaganda). Within each group and between the groups there is an obvious interrelation. The controls over travel, once entry has been attained, are keyed into the system of registration and surveillance. The censorship controls, together with the travel regulations and the measures proposed with respect to clandestine radio stations, provide the means for the effective crippling of the Axis communications network. Supplementary both to the controls over persons and to communication facilities are the measures for the protection of ships, ports, and mine and plant facilities.

#### *"Follow Up" Work*

This program has consisted of two principal parts: first, a series of consultative visits to the capitals of the hemisphere, and, second, the preparation and transmission to each country of special detailed memoranda and other communications dealing with particular aspects of the individual problems of the republics.

The first series of consultative visits was carried out during the months of March and April of 1943 with the respective national authorities in Argentina, Bolivia, Paraguay, and Uruguay. From June to October 1943, two delegations composed of representatives of the Committee simultaneously undertook extensive tours of the continent to conduct similar consultations with the governments of the countries of northern South America, the Caribbean, Central America, and the United States.

In each of the visits the procedure followed was substantially the same. After a formal opening session, a series of extensive conferences and discussions was held over a period of several days and utilized as a working basis the outline of the minimum structure for political defense as revealed in the 21 resolutions of the Committee.

In each republic the governments appointed special commissions composed of high policy officers and specialized experts with whom the Committee's representatives considered the following aspects of each topic: The nature of the manifestations within the country of the Axis activities concerned, the legal and administrative steps which have been taken by the country, the applicability of the Committee's recommendations, and any additional measures which should be taken on the basis thereof.

The visits were conducted without formality or protocol, the representatives of the Committee making it clear, usually at the first session, that they hoped to "get down to cases" through a full and frank interchange of views. Hence, when on occasion there was an evident desire on the part of a national official to describe his program in general terms through unsupported assertions that all steps had been taken as recommended, the Committee's delegation did not hesitate to press for detailed substantiation. In all cases such insistence on practical detail was respected as a sincere effort to fulfil a responsibility to the community of American states.

In many of the countries visited, the various suggestions for the adoption of additional legislative and administrative measures agreed upon during the sessions by the national officials and the Committee's delegation were embodied in a series of conclusions which at the closing session of the visit were read, discussed, approved, and signed by both the delegation of the Committee and the national officials who took part in the various technical sessions.

When the visits were completed, when the reports thereon were submitted to the full Committee, and when the extensive documentary material obtained from the various countries was analyzed, the Committee began the preparation of special, confidential, detailed memoranda to each government, with reference to its political-defense problems.



In each memorandum the Committee attempted further to particularize its recommendations to the special situations in the republic to which it was sent and to make certain additional suggestions in the various fields covered by its resolutions. The Committee sought to supply the interested government with information concerning the helpful experience of other American republics which were confronted with similar problems, including, in several instances, the transmission of compilations of legislation of the several countries on particular subjects. These memoranda attempted to carry on where the consultative visits left off.

Although during the consultative visits an attempt was made to discuss in as great detail as possible every aspect of the political-defense system, in the "follow up" memoranda the Committee has sought to concentrate upon those particular aspects which in its opinion were of primary importance to each government—either because the need for the adoption of additional measures was great or because special difficulties in the way of effective control were present.

In many cases the conclusions reached during the course of the visits provided the point of departure for the memoranda, and further information was sought as to the manner in which these conclusions were being carried into effect.

These "follow up" memoranda represent the culmination of the progressive particularization of the general principles of political defense agreed upon at the Third Meeting of Foreign Ministers. The annex to resolution XVII of that meeting gave a general outline of the objectives embodied in the accompanying resolution. Through the programs of action contained in its recommendations the Committee sought to define the general minimum standards and in some instances to detail methods and procedures for the accomplishment of those objectives. The system of consultative visits was designed to assist in the adaptation of these standards and techniques to the situations in each country. The series of memoranda have continued that process.

In a discussion of the Committee's efforts to obtain an implementation of its legislative program, reference is appropriate to its publication of substantiated charges against a continental network of Axis agents operating from headquarters in Argentina and Chile. Through the publication of two well-documented memoranda during the months of November 1942 and January 1943, the

Committee not only gave real content to the general assertions of Nazi activities, but it also demonstrated the practical character of and urgent need for action on the measures being proposed to the American republics. The memoranda described the key role of the Axis "diplomats"; they named the party leaders; they traced the communications system by courier and clandestine radio through which a constant two-way stream of information was moving between South America and Berlin; and they cited the consequences in terms of American lives and property. Almost every fact and incident disclosed by the memoranda gave new practical meaning to the programs prepared by the Committee.

By means of the "conclusion" technique of the consultative visits, through the informed channels of communication provided by the liaison officers and the national committees, by means of the "follow up" memoranda, and by the timely publication of evidence of continuing Axis activity the Committee has gone as far, perhaps, as an advisory international body is able and competent to go in securing practical, down-to-earth application of principles and standards conceived in the interest of a community of states.

#### Recognition of Governments Established by Force

Near the close of 1943 it became evident that the slight success of the Axis attempts to sow confusion and disunity in America was making it necessary for them to resort to other and more direct methods to achieve their objective. The presence within the continent of subversive elements gave the Axis powers their opportunity, and indications were multiplying that those groups were planning to participate in movements designed to overthrow established governments in several countries and that they were receiving advice, encouragement, money, and other forms of assistance from organizations or persons known to be connected with or inspired by the Nazis.

The overthrow on December 29, 1943 of the established Government of Bolivia brought these fears suddenly to the fore. Although it was preceded and accompanied by wide-spread suggestions that this particular *coup d'état* was the first of a series designed to break down the existing anti-Axis front in South America, it was apparent that a political-defense question of great magnitude and urgency had suddenly been precipitated. The question was novel: There existed neither an

agreed policy nor a speedy procedure by which the interested republics could promptly act together to meet this potential threat to their individual and collective security and solidarity.

On December 24, four days after the revolution occurred, the Committee adopted a resolution which supplied both the policy and the procedural needs: It recommended that for the duration of the war the American republics agree not to accord recognition to any new government established by force, prior to full exchange of information and consultation among themselves regarding the circumstances surrounding the revolution and particularly the adherence of the new regime to the existing inter-American undertakings for hemispheric defense.<sup>3</sup> Nineteen interested governments promptly announced their acceptance of this formula, whereupon, on January 5, the Committee adopted a second resolution, recommending that the usual diplomatic channels be utilized as the procedural mechanism for effectuating the necessary exchanges of information and consultations.<sup>4</sup> Within a brief time, during which those republics also gave consideration to a suggestion of the Mexican Government that a special consultative meeting might be desirable, all interested governments accepted the second resolution. Upon completion of their consultations, they announced their respective individual decisions to refrain from recognizing the new regime.

The governments continued their joint consideration and study of the problem, however, and in June 1944, as a result of further consultations, they reached the conclusion that, during the six months which had elapsed, the causes which impeded recognition had disappeared. Consequently the republics decided to recognize the Bolivian Government, and a majority of them accepted the proposal of the Foreign Ministry of Mexico to the effect that this recognition should take place simultaneously on June 23, 1944.<sup>5</sup>

Almost all the American nations communicated their decisions to the Committee, and on June 23, 1944, the Committee approved a new resolution which, after giving expression to the consequent general pleasure felt throughout the continent, made public its own satisfaction over the recognition and which emphasized the significance of the fact that this inter-American action had been taken in the solidary manner in which the community of American nations confronts problems of common interest. At the same time the chairman of the Committee sent its congratulations to the Min-

ister of Foreign Affairs of Bolivia, from whom a courteous reply was received.

In addition to this instance in which the procedure counseled by the Committee was invoked for the first time, subsequent changes of government have been brought about by force in Argentina, Ecuador, El Salvador, and Guatemala; in every case the governments have taken the Committee's resolution into account in reaching a decision concerning whether to recognize or not to recognize the new governments so instituted. In three of these cases the known circumstances which determined the establishment of the new governments caused the American republics, after an exchange of views, to delay official recognition.

The consultations and exchange of information respecting the installation of the present government of the Argentine republic resulted in the decision of practically all the American republics to abstain from entering into diplomatic relations with that government.

## II

The Committee is as much an innovation in inter-American relations as is the consultative procedure of which it is a product and an extension. The procedure and its offspring reflect a maturing pan-Americanism. Both have the same basic premise: namely, that inter-American solidarity is a fact; that pan-Americanism has progressed from the realm of aspiration, through the intermediary stage of an inorganic system of principles and techniques of international cooperation, to the point whereby full use can be made of emergency instrumentalities for joint political decision and action.

The Committee has been impressed throughout its work by the practical working interdependence of its principal characteristics: The declaration of controlling policy by the Foreign Ministers, the representative responsibility of 7 members to 21 governments, the rule of procedure by majority vote, and the ample machinery for continuing contact and consultation with officials of the several governments. Each of these characteristics has been indispensable to the Committee's operations.

It is perhaps not too early to consider whether significant ideas for post-war organization are to be found in the interplay of policy and representa-

<sup>3</sup> BULLETIN of Jan. 1, 1944, p. 20.

<sup>4</sup> BULLETIN of Jan. 8, 1944, p. 28.

<sup>5</sup> BULLETIN of June 24, 1944, p. 534.



tive principle and in the organizational and operating techniques which have characterized the Committee.

Such consideration might include the possibility of a generalization of the techniques in a treaty or in a declaration of principles and procedures, to be applied by permanent or *ad hoc* entities, whether organized for purposes of continental defense or for the prevention of controversies, for inquiry, for conciliation, or for other political questions.

If it were decided to give permanent form to the consultative procedure by granting political powers to the Governing Board of the Pan American Union or by creating a permanent inter-American political entity paralleling the Union, the experience of the Committee might well be of considerable value.

Likewise, the increased resort to international advisory committees, both in Europe and in America, prompts the inquiry concerning whether certain qualified generalizations, which may be drawn from the Committee's experience, may assist in determining certain characteristics which, individually or in combination, are desirable or essential to the effective operation of advisory committees in general.

[The special problems created in the field of political defense by the position and attitude of Argentina have only been touched upon in this article. This situation, including the Committee's conception of the basic issues involved, the repercussions which it has had upon the work of the organization, and the action taken by the Committee with regard thereto, is dealt with at length in chapter I of the Committee's second Annual Report, an English translation of which will be published in the next issue of the BULLETIN.]

## Signing of Two UNRRA Sanitary Conventions

[Released to the press January 5]

On January 5, 1945, at 11:30 a.m., there were signed in Washington two sanitary conventions concerning maritime and aerial travel amending the maritime International Sanitary Convention signed at Paris on June 21, 1926<sup>1</sup> and the International Sanitary Convention for Aerial Navigation signed at The Hague on April 12, 1933.<sup>2</sup> The

<sup>1</sup> Treaty Series 762.

<sup>2</sup> Treaty Series 901.

Honorable Edward R. Stettinius, Jr., Secretary of State, signed the two amendatory conventions on behalf of the United States of America.

The list of the signers of the two conventions is as follows:

France: Prof. André Mayer, Medical Counselor of the Provisional Government of the French Republic in the United States

Poland: Mr. Jan Ciechanowski, Polish Ambassador in Washington

United Kingdom of Great Britain and Northern Ireland: The Right Honorable the Earl of Halifax, British Ambassador in Washington

United States of America: The Honorable Edward R. Stettinius, Jr., Secretary of State of the United States.

The following representatives of UNRRA were also present at the signing:

Mr. Herbert H. Lehman, Director General  
Dr. P. W. Kuo, Deputy Director General, Secretariat

Mr. Francis B. Sayre, Diplomatic Adviser  
Dr. Wilbur A. Sawyer, Director of Health for UNRRA

Dr. G. H. de Paula Souza, Chief of the Section on Epidemic Control, Health Division

Dr. Max Habicht, Assistant Diplomatic Adviser.

The two amendatory conventions relate particularly to the performance by the United Nations Relief and Rehabilitation Administration, for a period not longer than 18 months after the conventions become effective, of duties and functions of the International Office of Public Health at Paris. The amendment of the Conventions of 1926 and 1933 by the present conventions is intended to facilitate the efforts of UNRRA in discharging its functions in the fields of displaced persons and epidemic control. The changes, particularly those to meet the present-day needs of aerial navigation, are framed in the light of the most recent advances in medical science and public-health practices.

Each convention provides that it shall come into force as soon as it has been signed or acceded to on behalf of 10 or more governments. The conventions were signed on behalf of the United States of America with the reservation "Subject to ratification".

The conventions will remain open for signature until 5:30 p.m. on January 15, 1945, after which they will be open to accession by any government not a signatory.



# Private International Air Law

By STEPHEN LATCHFORD<sup>1</sup>

THE DELEGATES to the First International Conference on Private Air Law<sup>2</sup> held at Paris in 1925 adopted a resolution providing for the creation of the Comité International Technique d'Experts Juridiques Aériens (usually referred to as the CITEJA), translated in the United States as the International Technical Committee of Aerial Legal Experts. This committee was organized for the purpose of developing a comprehensive code of private international air law through the preparation of draft conventions on various subjects for reference to periodic international conferences on private air law held for the purpose of adopting and signing conventions based on the CITEJA's drafts. The substance of the resolution adopted at the 1925 Conference was as follows:

The Conference, considering the importance, the urgent nature, the complexity, and the technically legal character of questions of private international air law, expresses the wish that a special committee of experts be appointed as soon as possible to prepare for the continuation of the work of the Conference.

This committee should be composed of a limited number of members, its regular headquarters to be at Paris.

Accordingly, the Conference requests the French Government to be good enough to get in touch with the governments invited to this Conference in order to ascertain what action should be taken on this recommendation.

The Secretary General of the 1925 Conference explained that the committee to be organized would be a committee of experts who would act on their own responsibility, without committing their respective governments, which would, at international conferences, remain free to approve or reject the conclusions of the committee. In other words, the delegates to such conferences would use as bases of discussions the draft conventions prepared by a number of jurists chosen for their knowledge and experience instead of the drafts prepared by individual governments.

*This article is considered to be of interest in connection with three resolutions relating to private international air law adopted by the International Civil Aviation Conference, convened at Chicago on November 1, 1944, which are referred to in the article.*

The matter of organizing the international committee was taken up accordingly by the French Government with other interested govern-

ments and, sufficient interest having been shown in the matter, the committee was organized and held its first sessions at the Ministry of Foreign Affairs at Paris from May 17 to 21, 1926. Twenty-eight countries appointed representatives to attend the first sessions of the committee. When the committee was organized it adopted the following three principles to guide it in its activities:

(1) Establishment of a program covering various subjects pertaining to private air law to be studied by commissions of experts.

(2) Preparation of texts of international conventions on legal subjects for consideration at periodic international conferences.

(3) Maintenance of the principle of the progressive elaboration of a single international code of private air law.

*Participation by the United States in the Work of the Committee.* The United States did not participate in the work of the committee at the time of its organization except by the presence of governmental representatives who were merely observers. Later, however, when it was recognized that the code of law being drawn up by the committee would vitally affect the operations of United States aircraft abroad, a congressional resolution was adopted in 1931 authorizing an annual appropriation to pay the share of the United States toward the expenses of the committee. The funds obtained as a result of this resolution enabled the Department of State to receive all the documents of the committee as distributed by its Secretary General and to keep in touch with the

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<sup>2</sup> The periodic international conferences on private air law held in 1925, 1929, 1933, and 1938 were diplomatic conferences.

work of the committee. In 1932 United States experts were, with the approval of the President, appointed by the Secretary of State to serve on the committee. Although no funds were available for the purpose of sending the experts abroad after their appointment in 1932, they participated in the work of the CITEJA to some extent through correspondence. An act of Congress authorizing an annual appropriation of a sum not in excess of \$6,500 to defray the expenses of the United States experts in going abroad to attend the sessions of the CITEJA and of its subcommittees was approved by President Roosevelt on August 7, 1935.<sup>3</sup> The subcommittees are known as the First, Second, Third, Fourth, and Fifth Commissions. Four commissions deal with legal subjects, and the fifth is an auditing and finance committee.

The United States members of the CITEJA, beginning with the sessions held at The Hague in September 1935, have participated in all the sessions of the committee and of the several commissions. The permanent secretariat of the CITEJA has been continuously in Paris; Mr. Edmond Sudre, of France, has been Secretary General. It has been the practice for one or more of the commissions to meet at Paris each spring. In the fall of each year a plenary session of the committee, as well as sessions of one or more of the commissions, was held in various European capitals by a system of rotation.

The CITEJA is the only permanent international aeronautical body on which the United States has been represented. The membership of the United States Section as last approved by the President (1939) consisted of seven members: four were Government officials; three were non-governmental members.<sup>4</sup>

<sup>3</sup> Public Law 254, 74th Cong. (49 Stat. 540).

<sup>4</sup> The Government officials were Stephen Latchford and Arthur L. Lebel, of the Department of State; and Samuel E. Gates and Edward C. Sweeney of the Civil Aeronautics Board (Mr. Gates is now in the Army and Mr. Sweeney in the Navy). Denis Mulligan, Arnold W. Knauth, and Fred D. Fagg, Jr., were designated as the non-governmental members. John J. Ide, former technical assistant for the National Advisory Committee for Aeronautics in Europe, was technical assistant to the United States Section of CITEJA. Some of the persons listed are no longer members of the United States Section. If the codification of private international air law is resumed by the CITEJA, it is assumed that due consideration will be given to a reorganization of the United States Section.

The United States Section was assisted by an Advisory Committee consisting of a representative of each of the following organizations:

National Association of State Aviation Officials  
National Conference of Commissioners on Uniform State Laws  
National Aeronautic Association  
The Maritime Law Association of the United States  
Aeronautical Chamber of Commerce of America  
American Bar Association  
American Society of International Law  
Board of Aviation Underwriters  
Institute of the Aeronautical Sciences  
Private Fliers Association Incorporated  
American Law Institute  
Air Transport Association of America  
Air Line Pilots Association  
National Lawyers Guild

*Countries Participating in the Work of the CITEJA.* The Secretary General of the CITEJA, in a report that he submitted on October 20, 1944, stated that since its organization the membership of the CITEJA has included the following countries:

Argentina	Lithuania
Austria	Luxembourg
Belgium	Mexico
Brazil	Monaco (Principality of)
China	Netherlands
Colombia	Norway
Czechoslovakia	Peru
Denmark	Poland
Dominican Republic	Portugal
Ecuador	Rumania
Egypt	Spain
France	Sweden
Germany	Switzerland
Great Britain	Turkey
Greece	Union of Soviet Socialist Republics
Guatemala	United States of America
Hungary	Uruguay
Italy	Yugoslavia
Japan	
Liberia	

The Secretary General explained further that as of March 1939 the states officially members of

the CITEJA and contributing toward its annual expenses were as follows:

Argentina	Luxembourg
Belgium	Mexico
Brazil	Norway
China	Netherlands
Czechoslovakia	Poland
Denmark	Portugal
Egypt	Rumania
France	Spain
Germany	Sweden
Great Britain	Switzerland
Greece	Turkey
Hungary	United States of America
Italy	Yugoslavia
Japan	

The United States members of the CITEJA have observed, however, that the average number of states represented at each meeting of the CITEJA has not exceeded 15 or 20.

#### International Conventions Developed by CITEJA

*The Warsaw Convention of 1929.* One of the most important conventions resulting from the deliberations of the CITEJA is the Convention for the Unification of Certain Rules Relating to International Transportation by Air signed at Warsaw in 1929 during the Second International Conference on Private Air Law and adhered to by the United States in 1934.<sup>5</sup> This Convention was adopted in provisional form by the delegates to the First International Conference on Private Air Law held at Paris in 1925. The Convention as adopted in 1925 was referred to the CITEJA for further study and revision; the revised text adopted by CITEJA constituted a basis for the discussions at the Warsaw Conference of 1929.

The Warsaw Convention contains detailed provisions relating to the form and legal effect of air-transport documents consisting of baggage checks, air waybills, and passenger tickets, and it contains important provisions dealing with the extent to which the air carrier shall be liable for damages to persons and property in international air transportation.<sup>6</sup>

*The Rome Convention for the Unification of Certain Rules Relating to Damages to Third Parties on the Surface (1933) and the Brussels Protocol on Aviation Insurance under this Convention (1938).* A Convention for the Unification of Certain Rules Relating to Damages Caused by Aircraft to Third Parties on the Surface was signed at Rome on May 29, 1933 during the Third

International Conference on Private Air Law.<sup>7</sup> This Convention is based on the theory of absolute liability of the operators of aircraft in international flights for damage caused by the aircraft to persons and property on the surface, although limitations of liability are permitted, under certain conditions, to the operators of the aircraft. The Convention provides that the operator shall make a cash deposit or shall be insured against damages caused by aircraft to persons or property on the surface in the countries flown over. Provided a cash deposit is made or insurance is obtained, the carrier is entitled to a limitation of liability.<sup>8</sup>

The question of aviation insurance with respect to this Convention has been a difficult problem. The insurers contended that they were not in a position to provide insurance unless they were allowed to interpose certain defenses against the payment of insurance claims. The Rome Conference of 1933 therefore referred the insurance problem to the CITEJA for study and the latter's recommendations were submitted to the Fourth International Conference on Private Air Law held at Brussels in September 1938. As a result, the Brussels Conference adopted a protocol to the Rome Convention of 1933 allowing the aviation insurers a limited number of defenses.<sup>9</sup>

<sup>5</sup> Treaty Series 876.

<sup>6</sup> According to the records of the Department of State the following countries have become parties to the Warsaw Convention by ratification or adherence: United States of America (subject to a reservation that the first paragraph of art. 2 of the Convention shall not apply to international transportation that may be performed by the United States of America or any territory or possession under its jurisdiction), Australia, Belgium, Brazil, Czechoslovakia, Denmark, France, Germany, Great Britain and Northern Ireland, Greece, Italy, Latvia, Netherlands, Norway, Poland, Rumania, Spain, Switzerland, Union of Soviet Socialist Republics, Yugoslavia, Free City of Danzig, Finland, Hungary, India, Ireland, Liberia, Liechtenstein, Mexico, New Zealand, and Sweden. In addition the Convention is applicable to certain outlying territories, possessions, colonies, and so forth, under the jurisdiction of some of the countries listed.

<sup>7</sup> For a translation of the Convention, see Department of State Treaty Information Bulletin 47 (Aug. 1933), p. 27.

<sup>8</sup> According to the records of the Department of State, the Rome Convention referred to has been ratified by Belgium, Brazil, Guatemala, Rumania, and Spain (including the Spanish Zone of Morocco but not the Spanish colonies).

<sup>9</sup> For a translation of the protocol, see the *Report of the American Delegation to the Fourth International Conference on Private Air Law* (Brussels, 1938), Conference Series 42, p. 83.



The protocol provides that beginning with the date on which it was signed at Brussels, September 29, 1938, ratification of or adherence to the Rome Convention on third-party liability shall imply ratification of or adherence to the protocol, but that the protocol and the Convention may be ratified or adhered to simultaneously by separate instruments. Both the Rome Convention referred to and the Brussels protocol were signed on behalf of the United States, but neither of them has been ratified by this Government.<sup>10</sup>

*The Rome Convention for the Unification of Certain Rules Relating to the Precautionary Attachment of Aircraft (1933).*<sup>11</sup> Another convention (relating to the precautionary attachment of aircraft) was signed at Rome on May 29, 1933 during the Third International Conference on Private Air Law. Under the terms of this Convention, government aircraft and aircraft employed in international air-transport services would, under the conditions set forth in the Convention, be exempt from attachment before judgment is entered. In cases where attachment before judgment is not prohibited under the Convention or an exemption is not invoked, an adequate bond will prevent the precautionary attachment or will give a right to an immediate release of the aircraft. The primary purpose of the Convention as explained by the chairman of the United States Delegation to the Rome Conference of 1933 is to provide a uniform rule with reference to the attachment of aircraft registered in one country while flying through the territory of another country. He stated that the seizure of an aircraft engaged in regular transportation of passengers and property would necessarily delay such transportation and might result in serious inconvenience and loss and that the Convention would prevent frivolous seizure of such aircraft.

The delegates to the International Civil Aviation Conference convened at Chicago on November 1, 1944 adopted a resolution recommending that the various governments represented at that Conference give consideration to the ratification of or adherence to the Convention on Precautionary Attachment so far as such governments have not already taken such action.<sup>12</sup> The Convention was signed on behalf of the United States but has not yet been ratified by this Government.

*The Brussels Salvage Convention for the Unification of Certain Rules Relating to the Assist-*

*ance and Salvage of Aircraft or by Aircraft at Sea (1938).*<sup>13</sup> A Convention for the Unification of Certain Rules Relating to the Assistance and Salvage of Aircraft or by Aircraft at Sea was signed on behalf of a number of countries including the United States at the Fourth International Conference on Private Air Law held at Brussels in September 1938. This Convention places certain obligations upon aircraft to render assistance to other aircraft and to surface ships in distress at sea, and likewise places an obligation on surface ships to render assistance to aircraft in distress at sea. The Convention contains a number of the principles embodied in the Maritime Salvage Convention of 1910, but it has certain new provisions deemed to be especially suitable to aviation, including those for the payment of indemnity for expenses incurred in salvage operations.<sup>14</sup>

The uncertain situation with respect to salvage operations resulting from the outbreak of war has apparently been a factor in influencing the various governments to postpone any definite decision in the matter of giving effect to the principles of the 1938 Brussels Convention.

*CITEJA Draft Convention on the Ownership of Aircraft and the Aeronautic Register (1931).*<sup>15</sup> In 1931 the CITEJA adopted a draft convention

<sup>10</sup> According to the records of the Department of State only Brazil and Guatemala have so far ratified the Brussels protocol on insurance.

<sup>11</sup> For a translation, see Department of State Treaty Information Bulletin 47 (Aug. 1933), p. 22.

<sup>12</sup> According to the records of the Department of State the Convention on Precautionary Attachment has been ratified or adhered to by Belgium, Brazil, Denmark (not including Greenland), Germany, Guatemala, Hungary, Italy (including colonies and possessions), Netherlands, Norway, Poland, Rumania, Spain (including the Spanish zone of Morocco but not the Spanish colonies), and Sweden.

<sup>13</sup> For a translation of the Brussels Salvage Convention of 1938, see *Report of American Delegation to the Fourth International Conference on Private Air Law* (Brussels 1938), Conference Series 42, p. 75.

<sup>14</sup> According to the records of the Department of State there has been so far no ratification of or adherence by any country to the Brussels Salvage Convention of 1938. Under date of Jan. 7, 1943 there was introduced in the first session of the 78th Congress a bill, S. 14, for the purpose of giving effect to certain of the basic provisions of the Brussels Salvage Convention of 1938.

<sup>15</sup> For a translation of the CITEJA draft convention on the ownership of aircraft and the aeronautic register, see Department of State Treaty Information Bulletin 40, p. 38.

setting up what is known as an aeronautic register.<sup>16</sup> This draft provides that aircraft registered in a state and used in international navigation (registration in this sense meaning that which establishes the nationality of the aircraft under public air law) shall be recorded by the owner in a public registry for the purpose of giving notice of title and property claims. Aircraft recorded in one state cannot be recorded in another unless the owner proves that the first inscription on the public registry has been canceled. The convention goes into some detail with respect to the effect of the recording of mortgages, liens, or other property claims.

This draft convention was never referred to a periodic international conference on private air law for final adoption and signature. It was considered to be more urgent that action be taken at such conferences on other projects developed by the CITEJA. In addition to this reason there was a feeling on the part of a number of the CITEJA members that the provisions of the draft convention should be given further study by the CITEJA before being submitted to a periodic international conference for final adoption and signature.

The delegates to the recent International Civil Aviation Conference at Chicago adopted a resolution calling attention to the desirability of having the various governments reach a common understanding on the legal questions involved in the transfer of title to aircraft. The delegates recommended that consideration be given to the early calling of an international conference on private air law for the purpose of adopting a convention dealing with this matter. The resolution recommended that the proposed conference include in the bases of discussion the CITEJA draft convention on the ownership of aircraft and the aeronautic register as well as the draft convention on aerial mortgages, other real securities, and aerial privileges described below.

*Draft Convention on Aerial Mortgages, Other Real Securities, and Aerial Privileges.* This draft convention was also adopted by the CITEJA in 1931, but for the reasons given above, with respect to the draft on ownership of aircraft and the aeronautic register, it was never referred to a periodic international conference on private air law for final adoption and signature. The draft convention on aerial mortgages and other real

securities and aerial privileges defines the term "aerial mortgage" and provides that such mortgages, duly established under the law of the state of registration of the aircraft, shall produce certain legal effects as determined by the draft. The term "aerial privileges" under the convention has reference to certain claims entitled to preference over mortgage claims.<sup>17</sup>

*CITEJA Draft Convention for the Unification of Certain Rules Relating to Aerial Collisions (1936).* At its eleventh plenary session, held at Bern, Switzerland, in September 1936, the CITEJA adopted a draft convention on aerial collisions which dealt with the liability of operators of aircraft for damages resulting from collisions between aircraft. This draft convention was referred to the Fourth International Conference on Private Air Law at Brussels in September 1938 for final adoption and signature. The Brussels Conference decided, however, to withhold action on the draft convention, and it adopted a resolution requesting that the CITEJA give the draft further consideration. An important factor in the decision to withhold action on the draft at Brussels was the objection raised by the United States Delegation to immediate consideration of the draft, on the ground that there had not been sufficient experience on which to base a convention dealing with the liability of operators of aircraft in the event of aerial collisions.<sup>18</sup>

### Current Projects on the Agenda of CITEJA

On October 20, 1944 the Secretary General of the CITEJA reported that the current projects on the agenda of CITEJA are as follows:

1. Legal status of the navigating personnel of aircraft;
2. Legal status of the commander of the aircraft;

<sup>16</sup> Such register or recording in a public registry under the Convention is to be distinguished from ordinary registration by a government for the purpose of establishing the nationality of the aircraft.

<sup>17</sup> For a translation of the full text of the draft convention, see Department of State Treaty Information Bulletin 40, p. 33.

<sup>18</sup> For a translation of the CITEJA draft on aerial collisions, see *Report of the American Delegation to the Fourth International Conference on Private Air Law* (Brussels, 1938), Conference Series 42, p. 48.

3. Collaboration of the CITEJA in the interpretation and execution of conventions on private international air law;

4. Assistance and salvage of aircraft and by aircraft on land;

5. Resolution of the Brussels International Air Law Conference of 1938 recommending that the CITEJA make a study of the subject of contribution by interested parties in the payment of remuneration for assistance with particular reference to the contribution of "postal freight" (as related to salvage operations);

6. Authority of decisions rendered by courts having jurisdiction under existing air-law conventions, and the question of distribution and allocation of liability awards raised by such conventions;

7. Revision of the draft convention on the ownership of aircraft and the aeronautic register, and of the draft convention relating to mortgages, other real securities, and aerial privileges;

8. Tourist aviation;

9. General average;

10. Chartering of aircraft;

11. Revision of the Warsaw Convention of 1929, relating to the liability of the air carrier in international transportation;

12. Resumption of the study of aerial collisions;

13. Abandonment of aircraft;

14. General study of aviation insurance.

The Secretary General adds the following comment:

"To these questions, which are numerous and important, there will be added new problems which will be raised by the very important historical events which are now taking place. Aerial navigation will be one of the very first subjects to be dealt with in the organization of Europe and of the world, and its development will be enhanced by technical and scientific improvements which were achieved during the course of the hostilities and by the needs of states and of individuals in the way of air navigation."

Although it will not be possible within the space of the present article to enter into a detailed explanation of all of the items on the current agenda of CITEJA as described above, special mention might be made of the draft convention on the legal status of the navigating personnel of air-

craft on which the CITEJA had practically completed action before it suspended sessions at the outbreak of war. This draft convention contains a number of detailed provisions governing the making of the contracts of hire of the navigating personnel of aircraft and defines the obligations resting upon their employers in the matter of repatriation of the personnel on the termination of their services. The draft also defines the jurisdiction of the commander of the aircraft over the personnel while in foreign countries.

In this connection reference might be made also to a draft convention dealing specifically with the legal status of the commander of the aircraft. A draft convention on this subject was adopted provisionally by the CITEJA in 1931. This draft sets forth the detailed powers of the commander in matters of safety of the aircraft and deals with his authority over the passengers and members of the crew. The commander is given also the power to act as the agent of his employer in various transactions including the authority to incur necessary expenses. The Secretary General of the CITEJA stated in his report of October 20, 1944 that the CITEJA is to decide whether the draft dealing with the legal status of the commander should be combined with the draft relating to the legal status of the aircraft-navigating personnel.

The delegates to the recent International Conference on Civil Aviation held at Chicago adopted the following resolution concerning the future activities of CITEJA:

"CONSIDERING:

"That the Comité International Technique d'Experts Juridiques Aériens (CITEJA), created pursuant to a recommendation adopted at the First International Conference on Private Air Law held at Paris in 1925, has made considerable progress in the development of a code of private international air law through the preparation of draft international conventions for final adoption at periodic international conferences on private air law;

"That the further elaboration of this code of private international air law through the completion of pending CITEJA projects and the initiation of new studies in the field of private air law will contribute materially to the development of international civil aviation:

(Continued on page 28)



# Adherence by France to the Declaration by United Nations

## Exchange of Communications

[Released to the press January 1]

[Translation]

EMBASSY OF THE FRENCH REPUBLIC  
IN THE UNITED STATES

*Washington, December 26, 1944.*

MR. SECRETARY OF STATE:

I have the honor to inform Your Excellency, by order of my Government, that the Provisional Government of the French Republic has decided to adhere to the Declaration of the United Nations of January 1, 1942, the principles of which constitute the very basis of its action.

Mr. Henri Bonnet, Ambassador-designate, has been instructed to sign this declaration in the name of the French Government.

I should be grateful to Your Excellency if you would be good enough to employ your good offices to communicate this decision of the French Government to all the Governments which are signatories to the Declaration of January 1, 1942.

Please accept [etc.]

PHILIPPE BAUDET,  
*Chargé d'Affaires of France*

DECEMBER 30, 1944.

EXCELLENCY:

I have the honor to acknowledge the receipt of your Embassy's note of December 26, 1944, stating that the Provisional Government of the French Republic has decided to adhere to the Declaration by United Nations, the principles of which constitute the very basis of its action.

It is a source of genuine satisfaction for this Government, as depository for the Declaration, to welcome France formally into the ranks of the United Nations. We have been pleased to make arrangements for you to sign the Declaration on January 1, 1945.

In accordance with your Embassy's request, this Government will transmit to the other United Nations the notice of the decision of the Provisional Government of the French Republic to adhere to the Declaration.

Accept [etc.]

EDWARD R. STETTINIUS, Jr.

His Excellency HENRI BONNET,  
*Appointed Ambassador of the Provisional  
Government of the French Republic.*

## Ceremonies on the Occasion of the Signing of the Declaration<sup>1</sup>

### MESSAGE FROM THE PRESIDENT TO THE SECRETARY OF STATE

[Released to the press January 1]

JANUARY 1, 1945.

DEAR MR. SECRETARY:

On this third anniversary of the United Nations I extend my most cordial greetings to the representatives of the nations who are assembled for the occasion. It is a matter of profound gratification to all of us that at this ceremony France will formally adhere to the Declaration by United Nations.

France was the first ally of our country in our own war of liberation. For 150 years her traditions of liberty have been an inspiration to free men everywhere. In this war all the brutalities of four years of Nazi occupation could not quench the flame of her unconquerable spirit or suppress the resistance of her people to the enemy. And

<sup>1</sup> Held at the Department of State, Jan. 1, 1945, on the occasion of the third anniversary of the Declaration by United Nations.

now, France stands beside us a strong ally—once more in the first rank of the free and peace-loving nations of the world.

The United Nations have gone far since that day three years ago when we made our compact. Then the enemy's military strength was at its zenith and was being ruthlessly used in an all-out attempt to conquer the world. Together we have reversed the early years of retreat and beaten back the enemy—in Africa, in Eastern and Western Europe

and in the Pacific. Together we have laid the foundations for a United Nations peace.

We still have far to go. We know that it is only as United Nations that we have it within our power to win complete and final victory in this war and then to win the peace. We know that by maintaining and strengthening the United Nations we shall do both.

Very sincerely yours,

FRANKLIN D. ROOSEVELT

#### STATEMENT BY THE SECRETARY OF STATE

[Released to the press January 1]

It is a significant manifestation of the growing strength of the United Nations that we should mark today the third anniversary of the Declaration by United Nations by receiving the signature on behalf of France of His Excellency Ambassador Henri Bonnet.

While his signature will be the thirty-sixth formally appended to this Declaration, the whole world knows that the people of France have in spirit and in fact always been associated with us. France was one of the first nations to challenge the Nazi aggressors. Through four years of German oppression the French people maintained their heroic resistance behind the enemy lines. The members of the Resistance Movement and the soldiers of the reborn French Army contributed in vital measure to the successful liberation of their homeland by our Allied armies. They wrote in blood and sacrifice another glorious chapter in France's record of devotion to liberty.

The nations signatory to the Declaration by United Nations welcome the formal adherence of France to this compact. It was drawn up and signed three years ago when France was under the invader's heel and all the world was in mortal danger from the Nazi and Japanese aggressors.

This compact is the foundation stone of what has become the mightiest coalition in history. It is also the foundation stone of the peace that this coalition is striving to build.

In the Declaration by United Nations the signatories proclaim their conviction "that complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands". They there-

fore pledge themselves to employ their full resources against their enemies, to cooperate with each other, and not to make a separate armistice or peace. They do more. They subscribe to the common program of purposes and principles embodied in the Joint Declaration of President Roosevelt and Prime Minister Churchill made on August 14, 1941 and known as the Atlantic Charter.

The principles and purposes set forth in the Atlantic Charter thus became the goal of the United Nations in building a peace which will, in the words of the Charter, "afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want".

That is the peace objective toward which the United Nations have been working together for three years. Step by step progress has been made—at Moscow and Cairo and Tehran, in the Dumbarton Oaks proposals for the maintenance of peace and security, and in the conferences and other preparatory work on international social and economic problems which are the joint concern of all the nations and the solution of which is an essential part of the task of building peace. Because of that progress, our goal is now much closer to realization than it was three years ago.

We have much still to do and many difficulties still to overcome, both in the winning of the war and in winning the peace. In making the peace, as in waging the war to final victory over our enemies, the United Nations will be stronger because France is herself again. The signature which Ambassador Henri Bonnet will now affix to the Declaration by United Nations is symbolic of her full partnership in that great enterprise.

REMARKS BY THE AMBASSADOR OF THE PROVISIONAL FRENCH GOVERNMENT<sup>1</sup>

[Translation]

[Released to the press January 1]

The will expressed in the Declaration by United Nations to end this war by a total victory over the enemy and to devote all national resources to the defense of the sacred rights of man and of the peoples' freedom, is the will of France.

I feel strongly that, in signing this Declaration in her name, I am true to her dearest and firmest aspirations, already expressed by the statement of adherence to the Atlantic Charter made on September 24, 1941 by General de Gaulle interpreting the feelings of the French people.

It was with emotion that I listened to President Roosevelt's message. I sincerely thank him for having recalled the friendship which has linked our two countries since the birth of our two Republics. Their founders, of glorious memory, were already united, like their peoples, by a friendship inspired by a community of ideals.

I also thank you, Mr. Secretary, for having recalled that France has always been on the side of the United Nations. She was one of them, thanks to the fighting of those who were able to rally around her free flag, thanks to her internal resistance, and to the ardor of her people.

It is true that on the day, the third anniversary of which we today are celebrating, Germany, Japan, and their satellites were still expanding their conquest. But they had not bent the will of the free world. From that day on, their fate was sealed, since hundreds of millions of men and the most powerful countries notified them that their plans for universal domination were to be smashed to nothingness. To the immense material resources was also added the weight of moral forces. Brute

force beat against the invincible faith of man in his destiny and in the future that freedom opens to his genius. France is proud to have been, like the other enemy-occupied countries, an element of this superior force which was to bring victory back into our camp.

The United Nations were born amidst suffering and danger. They have applied in their decisive fight for existence the principles which must insure international security. They must remain invincible in peace.

To this great cause France is prepared to devote herself whole-heartedly. During the two World Wars, it was through her peaceful countryside that death and destruction were first let loose. She knows that from now on in a world where science and technology have suppressed distances, war once begun will spread over the entire globe. Consequently, she is convinced that any threat of attack must be met and, if necessary, curbed. She knows also that during this war the fraternal cooperation of the United Nations has proved that splendid results may be obtained in all domains through mutual aid, division of work, and the organization of a common effort toward the same goal.

The greatest task awaiting us is to maintain this solidarity after victory. To overcome the inevitable difficulties that we shall inherit from the most atrocious of wars, and that we shall encounter in the reestablishment of peace and prosperity in our complex and magnificent world, the United Nations will have to remain strong and organized, as they have been in trial and in triumph.

## LIST OF REPRESENTATIVES OF THE UNITED NATIONS IN ATTENDANCE

[Released to the press January 1]

## AUSTRALIA

The Honorable Sir Frederic Eggleston, *Minister of Australia*

## BELGIUM

His Excellency Count Robert van der Straten-Ponthoz, *Ambassador of Belgium*

## BOLIVIA

His Excellency Señor Don Victor Andrade, *Ambassador of Bolivia*

## BRAZIL

His Excellency Carlos Martins, *Ambassador of Brazil*

## CANADA

Mr. Merchant Mahoney, C. B. E., *Counselor of Embassy*

## CHINA

His Excellency Dr. Wei Tao-ming, *Ambassador of China*

## COLOMBIA

Señor Don Alberto Vargas Narifio, *Counselor of Embassy*

<sup>1</sup> His Excellency Henri Bonnet.



## COMMONWEALTH OF THE PHILIPPINES

The Honorable Jaime Hernandez, *Secretary of Finance in charge of Commonwealth Government Affairs*

## COSTA RICA

His Excellency Señor Don Francisco de P. Gutierrez, *Ambassador of Costa Rica*

## CUBA

The Honorable Señor Dr. José T. Barón, *Minister Counselor, Chargé d'Affaires ad interim of Cuba*

## CZECHOSLOVAKIA

The Honorable Dr. Karel Červenka, *Minister of Czechoslovakia*

## DOMINICAN REPUBLIC

His Excellency Señor Don Emilio García Godoy, *Ambassador of the Dominican Republic*

## ETHIOPIA

The Honorable Blatta Ephrem Tewelde Medhen, *Minister of Ethiopia*

## GREECE

His Excellency Cimon P. Diamantopoulos, *Ambassador of Greece*

## GUATEMALA

His Excellency Señor Don Eugenio Silva Peña, *Ambassador of Guatemala*

## HAITI

Mr. Elie García, *First Secretary, Chargé d'Affaires ad interim of Haiti*

## HONDURAS

His Excellency Señor Dr. Don Julian R. Cáceres, *Ambassador of Honduras*

## INDIA

The Honorable Sir Girja Shankar Bajpai, *Agent General for India*

## IRAN

The Honorable Mohammed Shayesteh, *Minister of Iran*

## IRAQ

The Honorable Ali Jawdat, *Minister of Iraq*

## LUXEMBOURG

The Honorable Hugues Le Gallais, *Minister of Luxembourg*

## MEXICO

Señor Don Salvador Duhart, *First Secretary of Embassy*

## NETHERLANDS

His Excellency Dr. A. Loudon, *Ambassador of the Netherlands*

## NEW ZEALAND

The Honorable C. A. Berendsen, C.M.G., *Minister of New Zealand*

## NICARAGUA

His Excellency Señor Dr. Don Guillermo Sevilla Sacasa, *Ambassador of Nicaragua*

## NORWAY

His Excellency Wilhelm Munthe de Morgenstjerne, *Ambassador of Norway*

## PANAMA

His Excellency Señor Don Enrique A. Jiménez, *Ambassador of Panama*

## POLAND

His Excellency Jan Ciechanowski, *Ambassador of Poland*

## UNION OF SOUTH AFRICA

The Honorable Dr. S. F. N. Gie, *Minister of the Union of South Africa*

## UNION OF SOVIET SOCIALIST REPUBLICS

His Excellency Andrei A. Gromyko, *Ambassador of the Union of Soviet Socialist Republics*

## UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

His Excellency the Right Honorable the Earl of Halifax, K.G., *British Ambassador*

## UNITED STATES OF AMERICA

The Honorable Edward R. Stettinius, Jr., *Secretary of State*

## YUGOSLAVIA

Dr. Ivan Frangeš, *Counselor, Chargé d'Affaires ad interim of Yugoslavia*

## Turkey Severs Relations With Japan

### Statement by THE PRESIDENT

[Released to the press by the White House January 4]

Turkey's decision to sever relations with Japan is further evidence of Turkey's desire for the rapid and complete victory of the Allies. This action will result in the closing of Japanese Government establishments in Turkey, which, since the German establishments were closed by the Turkish Government, were the last footholds of the Axis on Turkish soil.

I welcome this action by the Republic of Turkey.

### Statement by THE SECRETARY OF STATE

[Released to the press January 4]

The action of the National Assembly of the Republic of Turkey in voting unanimously to sever diplomatic and economic relations with Japan is welcomed by this Government as a further step toward limiting the activities of the Axis in foreign countries and as a concrete contribution by Turkey to the victory of the Allies over the Axis. The severance of relations will prevent Japanese officials and agents from using Turkey as an observation point from which to report on Allied movements to the detriment of the United Nations' war effort.

# Information for a Peoples' Peace

Remarks by ASSISTANT SECRETARY MACLEISH<sup>1</sup>

ONLY the over-educated doubt the significance of numerical phenomena. The rest of us know as a matter of course that anything which happens a hundred times is important—even the first day of the year, which recurs quite mechanically and without any effort of its own. It can hardly surprise anyone, therefore, that we meet to celebrate the one-hundredth anniversary of an event which would never have taken place at all without a very considerable and determined effort.

When a number of governments do anything together even once it is a matter of surprise among the cynics. When they do the same thing together not once but a hundred times people—and particularly the people who deserve the credit—may be excused for calling attention to the fact. I testify quite objectively as a man who deserves no credit whatever beyond the credit, which is not inconsiderable, of having brought your present chairman into the information service of this Government as a Deputy Director of the Office of Facts and Figures.

Those who know little of such things—those who regard the information service with suspicion—will be astonished to learn that the information officers of so many of the United Nations have worked successfully together for so many months. That the United Nations should be united in arms, or in production, or in transport is not, they think, extraordinary. That the United Nations should be united in the public labor of communication is astonishing.

But is it really astonishing? You do not think so—nor does any informed observer of the work you have done over the past three years. You know what all of us who have worked with you have learned—that the one service in which the united peoples of this peoples' war are most truly and most passionately united is precisely this service of communication and of understanding in which you are engaged. The common cause of the peoples of the world in every free man's country is the people. It is to secure a peace for the people, to end war for the people, to build a habitable world for the people that the people fight. They have learned through the miracle of modern electric communication of each other's presence, of each other's lives, of each other's pur-

poses. They know that if they can communicate with each other, if they can share their dream with each other, if they can share their knowledge of each other's sufferings and each other's hopes, they can make together what none of them can make alone. They believe, therefore, in knowledge of each other, in works about each other, in "information".

And surely they are right. As long as the people of one country think in terms of the people of another—as long as they think as men of other men—they are wise and their judgments are right judgments. The moment they forget the men and women and begin to think in terms of a government, or an officer of government, or a policy of government—in terms of a symbol like the arbitrary symbols of the old-fashioned newspaper cartoons—they think in abstractions and they judge in abstractions, as we in the United States were judged for years in terms of an abstraction which never fitted the American people and never could have fitted them.

This Nation has believed from the beginning of its history in the right of the people to know. It has declared that right in the first amendment to its Constitution. It believes that if the people are informed, the decisions of the people will be wise. It believes this not only of the decisions of the people of a village, or a town, or of a city, or of a nation, but of the decisions of the people of the world. It believes; that is to say, that if the peoples of the world are informed about each other their decisions with relation to each other will be just decisions—which means, in the actual relations of peoples, that they will be decisions for the maintenance of peace. It is, in consequence, the desire of this Nation to see the information of the peoples of the world about each other increased and deepened. This Board has done much in the three years of its existence to realize that aspiration. I am certain that I speak for the great number of my countrymen, therefore, when I congratulate you upon what you have already accomplished and wish you well for the future of your work together.

<sup>1</sup> Made at the 100th session of the United Nations Information Board on Jan. 4, 1945.

[Released to the press by the White House January 6]

TO THE CONGRESS OF THE UNITED STATES:

In considering the state of the Union, the war, and the peace that is to follow, are naturally uppermost in the minds of all of us.

This war must be waged—it is being waged—with the greatest and most persistent intensity. Everything we are and have is at stake. Everything we are and have will be given. American men, fighting far from home, have already won victories which the world will never forget.

We have no question of the ultimate victory. We have no question of the cost. Our losses will be heavy.

We and our Allies will go on fighting together to ultimate total victory.

We have seen a year marked, on the whole, by substantial progress toward victory, even though the year ended with a set-back for our arms, when the Germans launched a ferocious counter-attack into Luxembourg and Belgium with the obvious objective of cutting our line in the center.

Our men have fought with indescribable and unforgettable gallantry under most difficult conditions, and our German enemies have sustained considerable losses while failing to obtain their objectives.

The high tide of this German effort was reached two days after Christmas. Since then we have re-assumed the offensive, rescued the isolated garrison at Bastogne, and forced a German withdrawal along the whole line of the salient. The speed with which we recovered from this savage attack was largely possible because we have one Supreme Commander in complete control of all the Allied armies in France. General Eisenhower has faced this period of trial with admirable calm and resolution and with steadily increasing success. He has my complete confidence.

Further desperate attempts may well be made to break our lines, to slow our progress. We must never make the mistake of assuming that the Germans are beaten until the last Nazi has surrendered.

And I would express another most serious warning against the poisonous effects of enemy propaganda.

The wedge that the Germans attempted to drive in Western Europe was less dangerous in actual

<sup>1</sup> The complete text of the message of Jan. 6, 1945, is printed as H. Doc. 1, 79th Cong.

# The State of the Union

## ANNUAL MESSAGE OF THE PRESIDENT

terms of winning the war than the wedges which they are continually attempting to drive between ourselves and our Allies.

Every little rumor which is intended to weaken our faith in our Allies is like an actual enemy agent in our midst—seeking to sabotage our war effort. There are, here and there, evil and baseless rumors against the Russians—rumors against the British—rumors against our own American commanders in the field.

When you examine these rumors closely, you will observe that every one of them bears the same trade-mark—"Made in Germany".

We must resist this divisive propaganda—we must destroy it—with the same strength and the same determination that our fighting men are displaying as they resist and destroy the panzer divisions.

In Europe, we shall resume the attack and—despite temporary set-backs here or there—we shall continue the attack relentlessly until Germany is completely defeated.

It is appropriate at this time to review the basic strategy which has guided us through three years of war, and which will lead, eventually, to total victory.

The tremendous effort of the first years of this war was directed toward the concentration of men and supplies in the various theaters of action at the points where they could hurt our enemies most.

It was an effort—in the language of the military men—of deployment of our forces. Many battles—essential battles—were fought; many victories—vital victories—were won. But these battles and these victories were fought and won to hold back the attacking enemy and to put us in positions from which we and our Allies could deliver the final, decisive blows.

In the beginning, our most important military task was to prevent our enemies—the strongest and most violently aggressive powers that ever have threatened civilization—from winning decisive victories. But even while we were conducting defensive, delaying actions, we were looking forward to the time when we could wrest the initiative from our enemies and place our superior resources of



# e the Union

## THE PRESIDENT TO THE CONGRESS<sup>1</sup>

men and materials into direct competition with them.

It was plain then that the defeat of either enemy would require the massing of overwhelming forces—ground, sea, and air—in positions from which we and our Allies could strike directly against the enemy homelands and destroy the Nazi and Japanese war machines.

In the case of Japan, we had to await the completion of extensive preliminary operations—operations designed to establish secure supply lines through the Japanese outer-zone defenses. This called for overwhelming sea power and air power—supported by ground forces strategically employed against isolated outpost garrisons.

Always—from the very day we were attacked—it was right militarily as well as morally to reject the arguments of those shortsighted people who would have had us throw Britain and Russia to the Nazi wolves and concentrate against the Japanese. Such people urged that we fight a purely defensive war against Japan while allowing the domination of all the rest of the world by Nazism and Fascism.

In the European theater, the necessary bases for the massing of ground and air power against Germany were already available in Great Britain. In the Mediterranean area we could begin ground operations against major elements of the German Army as rapidly as we could put troops in the field, first in North Africa and then in Italy.

Therefore, our decision was made to concentrate the bulk of our ground and air forces against Germany until her utter defeat. That decision was based on all these factors; and it was also based on the realization that, of our two enemies, Germany would be more able to digest quickly her conquests, the more able quickly to convert the manpower and resources of her conquered territory into a war potential.

We had in Europe two active and indomitable Allies—Britain and the Soviet Union—and there were also the heroic resistance movements in the occupied countries, constantly engaging and harassing the Germans.

We cannot forget how Britain held the line, alone, in 1940 and 1941; and at the same time, despite ferocious bombardment from the air, built up a tremendous armaments industry which enabled her to take the offensive at El Alamein in 1942.

We cannot forget the heroic defense of Moscow and Leningrad and Stalingrad, or the tremendous Russian offensives of 1943 and 1944 which destroyed formidable German armies.

Nor can we forget how, for more than seven long years, the Chinese people have been sustaining the barbarous attacks of the Japanese and containing large enemy forces on the vast areas of the Asiatic mainland.

In the future we must never forget the lesson that we have learned—that we must have friends who will work with us in peace as they have fought at our side in war.

As a result of the combined effort of the Allied forces, great military victories were achieved in 1944: the liberation of France, Belgium, Greece, and parts of the Netherlands, Norway, Poland, Yugoslavia, and Czechoslovakia; the surrender of Rumania and Bulgaria; the invasion of Germany itself and Hungary; the steady march through the Pacific Islands to the Philippines, Guam, and Saipan; and the beginnings of a mighty air offensive against the Japanese islands.

Now, as this seventy-ninth Congress meets, we have reached the most critical phase of the war.

The greatest victory of the last year was, of course, the successful breach on June 6, 1944 of the German "impregnable" sea wall of Europe and the victorious sweep of the Allied forces through France and Belgium and Luxembourg—almost to the Rhine itself.

The cross-Channel invasion of the Allied armies was the greatest amphibious operation in the history of the world. It overshadowed all other operations in this or any other war in its immensity. Its success is a tribute to the fighting courage of the soldiers who stormed the beaches—to the sailors and merchant seamen who put the soldiers ashore and kept them supplied—and to the military and naval leaders who achieved a real miracle of planning and execution. And it is also a tribute to the ability of two nations, Britain and America, to plan together, and work together, and fight together in perfect cooperation and perfect harmony.

This cross-Channel invasion was followed in August by a second great amphibious operation, landing troops in Southern France. In this, the same cooperation and the same harmony existed between the American, French, and other Allied forces based in North Africa and Italy.

The success of the two invasions is a tribute also to the ability of many men and women to maintain silence, when a few careless words would have imperiled the lives of hundreds of thousands and would have jeopardized the whole vast undertakings.

These two great operations were made possible by success in the Battle of the Atlantic.

Without this success over German submarines, we could not have built up our invasion forces or air forces in Great Britain, nor could we have kept a steady stream of supplies flowing to them after they had landed in France.

The Nazis, however, may succeed in improving their submarines and their crews. They have recently increased their U-boat activity. The Battle of the Atlantic—like all campaigns in this war—demands eternal vigilance. But the British, Canadian, and other Allied Navies, together with our own, are constantly on the alert.

The tremendous operations in Western Europe have overshadowed in the public mind the less spectacular but vitally important Italian front. Its place in the strategic conduct of the war in Europe has been obscured, and—by some people, unfortunately—underrated.

It is important that any misconception on that score be corrected—now.

What the Allied forces in Italy are doing is a well-considered part in our strategy in Europe, now aimed at only one objective—the total defeat of the Germans. These valiant forces in Italy are continuing to keep a substantial portion of the German Army under constant pressure—including some twenty first-line German divisions and the necessary supply and transport and replacement troops—all of which our enemies need so badly elsewhere.

Over very difficult terrain and through adverse weather conditions, our Fifth Army and the British Eighth Army—reinforced by units from other United Nations, including a brave and well-equipped unit of the Brazilian Army—have, in the past year, pushed north through bloody Cassino and the Anzio beachhead and through Rome until

now they occupy heights overlooking the valley of the Po.

The greatest tribute which can be paid to the courage and fighting ability of these splendid soldiers in Italy is to point out that although their strength is about equal to that of the Germans they oppose, the Allies have been continuously on the offensive.

That pressure, that offensive, by our troops in Italy will continue.

The American people—and every soldier now fighting in the Apennines—should remember that the Italian front has not lost any of the importance which it had in the days when it was the only Allied front in Europe.

In the Pacific during the past year, we have conducted the fastest-moving offensive in the history of modern warfare. We have driven the enemy back more than 3,000 miles across the central Pacific.

A year ago, our conquest of Tarawa was a little more than a month old.

A year ago, we were preparing for our invasion of Kwajalein, the second of our great strides across the central Pacific to the Philippines.

A year ago, General MacArthur was still fighting in New Guinea almost 1,500 miles from his present position in the Philippine Islands.

We now have firmly established bases in the Mariana Islands from which our Superfortresses bomb Tokyo itself—and will continue to blast Japan in ever-increasing numbers.

Japanese forces in the Philippines have been cut in two. There is still hard fighting ahead—costly fighting. But the liberation of the Philippines will mean that Japan has been largely cut off from her conquest in the East Indies.

The landing of our troops on Leyte was the largest amphibious operation thus far conducted in the Pacific.

Moreover, these landings drew the Japanese fleet into the first great sea battle which Japan has risked in almost two years. Not since the night engagements around Guadalcanal in November–December 1942 had our Navy been able to come to grips with major units of the Japanese fleet. We had brushed against their fleet in the first battle of the Philippine Sea in June 1944, but not until last October were we able really to engage a major portion of the Japanese Navy in actual combat. The naval engagement which raged for three days was

the heaviest blow ever struck against Japanese sea power.

As the result of that battle, much of what is left of the Japanese fleet has been driven behind the screen of islands that separates the Yellow Sea, the China Sea, and the Sea of Japan from the Pacific.

Our Navy looks forward to any opportunity which the lords of the Japanese Navy will give us to fight them again.

The people of this Nation have a right to be proud of the courage and fighting ability of the men in the armed forces—on all fronts. They also have a right to be proud of American leadership which has guided their sons into battle.

The history of the generalship of this war has been a history of teamwork and cooperation, of skill and daring. Let me give you one example out of last year's operations in the Pacific.

Last September Admiral Halsey led American naval task forces into Philippine waters and north to the East China Sea and struck heavy blows at Japanese air and sea power.

At that time, it was our plan to approach the Philippines by further stages, taking islands which we may call *A*, *C*, and *E*. However, Admiral Halsey reported that a direct attack on Leyte appeared feasible. When General MacArthur received the reports from Admiral Halsey's task forces, he also concluded that it might be possible to attack the Japanese in the Philippines directly—by-passing islands *A*, *C*, and *E*.

Admiral Nimitz thereupon offered to make available to General MacArthur several divisions which had been scheduled to take the intermediate objectives. These discussions, conducted at great distances, all took place in one day.

General MacArthur immediately informed the Joint Chiefs of Staff here in Washington that he was prepared to initiate plans for an attack on Leyte in October. Approval of the change in plan was given on the same day.

Thus, within the space of 24 hours, a major change of plans was accomplished which involved Army and Navy forces from two different theaters of operations—a change which hastened the liberation of the Philippines and the final day of victory—a change which saved lives which would have been expended in the capture of islands which are now neutralized far behind our lines.

Our over-all strategy has not neglected the important task of rendering all possible aid to China. Despite almost insuperable difficulties, we increased this aid during 1944. At present our aid to China must be accomplished by air transport—there is no other way. By the end of 1944, the Air Transport Command was carrying into China a tonnage of supplies three times as great as that delivered a year ago, and much more, each month, than the Burma road ever delivered at its peak.

Despite the loss of important bases in China, the tonnage delivered by air transport has enabled General Chennault's Fourteenth Air Force, which includes many Chinese flyers, to wage an effective and aggressive campaign against the Japanese. In 1944, aircraft of the Fourteenth Air Force flew more than 35,000 sorties against the Japanese and sank enormous tonnage of enemy shipping, greatly diminishing the usefulness of the China Sea lanes.

British, Dominion, and Chinese forces together with our own have not only held the line in Burma against determined Japanese attacks but have gained bases of considerable importance to the supply line into China.

The Burma campaigns have involved incredible hardship, and have demanded exceptional fortitude and determination. The officers and men who have served with so much devotion in these far-distant jungles and mountains deserve high honor from their countrymen.

In all of the far-flung operations of our own armed forces—on land, and sea, and in the air—the final job, the toughest job, has been performed by the average, easy-going, hard-fighting young American who carries the weight of battle on his own shoulders.

It is to him that we and all future generations of Americans must pay grateful tribute.

In the field of foreign policy, we propose to stand together with the United Nations not for the war alone but for the victory for which the war is fought.

It is not only a common danger which unites us but a common hope. Ours is an association not of governments but of peoples—and the peoples' hope is peace. Here, as in England; in England, as in Russia; in Russia, as in China; in France, and through the continent of Europe, and throughout the world; wherever men love freedom, the hope



and purpose of the people are for peace—a peace that is durable and secure.

It will not be easy to create this peoples' peace. We delude ourselves if we believe that the surrender of the armies of our enemies will make the peace we long for. The unconditional surrender of the armies of our enemies is the first and necessary step—but the first step only.

We have seen already, in areas liberated from the Nazi and the Fascist tyranny, what problems peace will bring. And we delude ourselves if we attempt to believe wishfully that all these problems can be solved overnight.

The firm foundation can be built—and it will be built. But the continuance and assurance of a living peace must, in the long run, be the work of the people themselves.

We ourselves, like all peoples who have gone through the difficult processes of liberation and adjustment, know of our own experience how great the difficulties can be. We know that they are not difficulties peculiar to any continent or any nation. Our own Revolutionary War left behind it, in the words of one American historian, "an eddy of lawlessness and disregard of human life". There were separatist movements of one kind or another in Vermont, Pennsylvania, Virginia, Tennessee, Kentucky, and Maine. There were insurrections, open or threatened, in Massachusetts and New Hampshire. These difficulties we worked out for ourselves as the peoples of the liberated areas of Europe, faced with complex problems of adjustment, will work out their difficulties for themselves.

Peace can be made and kept only by the united determination of free and peace-loving peoples who are willing to work together—willing to help one another—willing to respect and tolerate and try to understand one another's opinions and feelings.

The nearer we come to vanquishing our enemies the more we inevitably become conscious of differences among the victors.

We must not let those differences divide us and blind us to our more important common and continuing interests in winning the war and building the peace.

International cooperation on which enduring peace must be based is not a one-way street.

Nations like individuals do not always see alike or think alike, and international cooperation and progress are not helped by any nation assuming that it has a monopoly of wisdom or of virtue.

In the future world, the misuse of power, as implied in the term "power politics", must not be a

controlling factor in international relations. That is the heart of the principles to which we have subscribed. We cannot deny that power is a factor in world politics any more than we can deny its existence as a factor in national politics. But in a democratic world, as in a democratic nation, power must be linked with responsibility, and obliged to defend and justify itself within the framework of the general good.

Perfectionism, no less than isolationism or imperialism or power politics, may obstruct the paths to international peace. Let us not forget that the retreat to isolationism a quarter of a century ago was started not by a direct attack against international cooperation, but against the alleged imperfections of the peace.

In our disillusionment after the last war, we preferred international anarchy to international cooperation with nations which did not see and think exactly as we did. We gave up the hope of gradually achieving a better peace because we had not the courage to fulfil our responsibilities in an admittedly imperfect world.

We must not let that happen again, or we shall follow the same tragic road again—the road to a third world war.

We can fulfil our responsibilities for maintaining the security of our own country only by exercising our power and our influence to achieve the principles in which we believe and for which we have fought.

In August 1941 Prime Minister Churchill and I agreed to the principles of the Atlantic Charter, these being later incorporated into the Declaration by United Nations of January 1, 1942. At that time certain isolationists protested vigorously against our right to proclaim the principles—and against the very principles themselves. Today, many of the same people are protesting against the possibility of violation of the same principles.

It is true that the statement of principles in the Atlantic Charter does not provide rules of easy application to each and every one of this war-torn world's tangled situations. But it is a good and useful thing—it is an essential thing—to have principles toward which we can aim.

And we shall not hesitate to use our influence—and to use it now—to secure so far as is humanly possible the fulfilment of the principles of the Atlantic Charter. We have not shrunk from the military responsibilities brought on by this war. We cannot and will not shrink from the political responsibilities which follow in the wake of battle.

I do not wish to give the impression that all mistakes can be avoided and that many disappointments are not inevitable in the making of peace. But we must not this time lose the hope of establishing an international order which will be capable of maintaining peace and realizing through the years more perfect justice between nations.

To do this we must be on our guard not to exploit and exaggerate the differences between us and our Allies, particularly with reference to the peoples who have been liberated from Fascist tyranny. That is not the way to secure a better settlement of those differences or to secure international machinery which can rectify mistakes which may be made.

I should not be frank if I did not admit concern about many situations—the Greek and Polish for example. But those situations are not as easy or as simple to deal with as some spokesmen, whose sincerity I do not question, would have us believe. We have obligations, not necessarily legal, to the exiled governments, to the underground leaders and to our major Allies who came much nearer the shadows than we did.

We and our Allies have declared that it is our purpose to respect the right of all peoples to choose the form of government under which they will live and to see sovereign rights and self-government restored to those who have been forcibly deprived of them. But with internal dissension, with many citizens of liberated countries still prisoners of war or forced to labor in Germany, it is difficult to guess the kind of self-government the people really want.

During the interim period, until conditions permit a genuine expression of the peoples' will, we and our Allies have a duty, which we cannot ignore, to use our influence to the end that no temporary or provisional authorities in the liberated countries block the eventual exercise of the peoples' right freely to choose the government and institutions under which, as free men, they are to live.

It is only too easy for all of us to rationalize what we want to believe, and to consider those leaders we like responsible and those we dislike irresponsible. And our task is not helped by stubborn partisanship, however understandable, on the part of opposed internal factions.

It is our purpose to help the peace-loving peoples of Europe to live together as good neighbors, to recognize their common interests, and not to nurse

their traditional grievances against one another.

But we must not permit the many specific and immediate problems of adjustment connected with the liberation of Europe to delay the establishment of permanent machinery for the maintenance of peace. Under the threat of a common danger, the United Nations joined together in war to preserve their independence and their freedom. They must now join together to make secure the independence and freedom of all peace-loving states, so that never again shall tyranny be able to divide and conquer.

International peace and well-being, like national peace and well-being, require constant alertness, continuing cooperation, and organized effort.

International peace and well-being, like national peace and well-being, can be secured only through institutions capable of life and growth.

Many of the problems of the peace are upon us even now while the conclusion of the war is still before us. The atmosphere of friendship and mutual understanding and determination to find a common ground of common understanding, which surrounded the conversations at Dumbarton Oaks, gives us reason to hope that future discussions will succeed in developing the democratic and fully integrated world-security system toward which these preparatory conversations were directed.

We and the other United Nations are going forward, with vigor and resolution, in our efforts to create such a system by providing for it strong and flexible institutions of joint and cooperative action.

The aroused conscience of humanity will not permit failure in this supreme endeavor.

We believe that the extraordinary advances in the means of intercommunication between peoples over the past generation offer a practical method of advancing the mutual understanding upon which peace and the institutions of peace must rest, and it is our policy and purpose to use these great technological achievements for the common advantage of the world.

We support the greatest possible freedom of trade and commerce.

We Americans have always believed in freedom of opportunity, and equality of opportunity remains one of the principal objectives of our national life. What we believe in for individuals, we believe in also for nations. We are opposed to restrictions, whether by public act or private



arrangement, which distort and impair commerce, transit, and trade.

We have house-cleaning of our own to do in this regard. But it is our hope, not only in the interest of our own prosperity but in the interest of the prosperity of the world, that trade and commerce and access to materials and markets may be freer after this war than ever before in the history of the world.

One of the most heartening events of the year in the international field has been the renaissance of the French people and the return of the French nation to the ranks of the United Nations. Far from having been crushed by the terror of Nazi domination, the French people have emerged with stronger faith than ever in the destiny of their country and in the soundness of the democratic ideals to which the French nation has traditionally contributed so greatly.

During her liberation, France has given proof of her unceasing determination to fight the Germans, continuing the heroic efforts of the resistance groups under the occupation and of all those Frenchmen throughout the world who refused to surrender after the disaster of 1940.

Today, French armies are again on the German frontier, and are again fighting shoulder to shoulder with our sons.

Since our landings in Africa, we have placed in French hands all the arms and material of war which our resources and the military situation permitted. And I am glad to say that we are now about to equip large new French forces with the most modern weapons for combat duty.

In addition to the contribution which France can make to our common victory, her liberation likewise means that her great influence will again be available in meeting the problems of peace.

We fully recognize France's vital interest in a lasting solution of the German problem and the contribution which she can make in achieving international security. Her formal adherence to the Declaration by United Nations a few days ago and the proposal at the Dumbarton Oaks discussions, whereby France would receive one of the five permanent seats in the proposed Security Council, demonstrate the extent to which France has resumed her proper position of strength and leadership.

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We have a great many problems ahead of us and we must approach them with realism and courage.

This new year of 1945 can be the greatest year of achievement in human history.

1945 can see the final ending of the Nazi-Fascist reign of terror in Europe.

1945 can see the closing in of the forces of retribution about the center of the malignant power of imperialistic Japan.

Most important of all—1945 can and must see the substantial beginning of the organization of world peace. This organization must be the fulfillment of the promise for which men have fought and died in this war. It must be the justification of all the sacrifices that have been made—of all the dreadful misery that this world has endured.

We Americans of today, together with our Allies, are making history—and I hope it will be better history than ever has been made before.

We pray that we may be worthy of the unlimited opportunities that God has given us.

#### AIR LAW—Continued from page 16.

"The International Civil Aviation Conference  
"RECOMMENDS:

"1. That the various governments represented at this International Civil Aviation Conference give consideration to the desirability of bringing about the resumption at the earliest possible date of the CITEJA sessions which were suspended because of the outbreak of war, of making necessary contributions toward the expenses of the Secretariat of CITEJA, and of appointing legal experts to attend the CITEJA meetings; and

"2. That consideration also be given by the various governments to the desirability of coordinating the activities of CITEJA with those of the Provisional<sup>19</sup> International Civil Aviation Organization and, after it shall have come into existence, of the permanent<sup>20</sup> International Civil Aviation Organization established pursuant to the Convention on International Civil Aviation drawn up at Chicago on December 7, 1944."<sup>21</sup>

<sup>19</sup> The Organization which will function under the terms of the Interim Agreement on International Civil Aviation, signed at Chicago on Dec. 7, 1944, when that Agreement comes into force.

<sup>20</sup> The Organization which will function under the terms of the Convention on International Civil Aviation, signed at Chicago on Dec. 7, 1944, when that Convention comes into force.

<sup>21</sup> In connection with the foregoing discussion, see address on "Codification of Private International Air Law" by Mr. Latchford as printed in *Press Releases*, Feb. 1, 1936, p. 121. See also the article by Mr. Latchford on "The Right of Innocent Passage in the International Civil Air Navigation Agreement", *BULLETIN* of July 2, 1944, p. 19.



## Italian Supply Program

### STATEMENT BY THE SECRETARY OF STATE CONCERNING INQUIRIES RELATIVE TO BRITISH AND UNITED STATES POLICIES

[Released to the press January 4]

The Secretary of State, in answer to inquiries of newspaper correspondents concerning a recent publication which gave the impression that the British and American Governments are in disagreement with reference to their policies concerning the supplying of necessities to Italy, issued the following statement:

"Quoted passages in the article are excerpts from an aide-mémoire submitted by the British Ambassador to the Department of State on August 22, 1944. The document is part of the confidential records of the Department. The unauthorized publication of any part of it is in the highest degree regrettable, and the matter is being pursued.

"The aide-mémoire itself was part of a series of confidential documents and conversations which led up to the statement of September 26 by the President and Prime Minister Churchill on the subject of Italy. It cannot fairly be appraised out of the context of those documents and conversations. For example, in the aide-mémoire delivered on August 22 appears the following language:

"The question of an expansion of the scope of the Italian supply program is already under consideration by an interdepartmental committee in London. His Majesty's Government would not, therefore, wish to prejudice the work of this committee by agreeing in advance what the conclusions of its study should be. So soon as the recommendations of the committee have been made His Majesty's Government would wish to discuss the matter further with the United States Government."

"In its reply to the British memorandum the Department stated:

"From the information now available to the Department, the Department believes it probable that such discussions would result in agreement between the two governments as to the scope of the program."

<sup>1</sup> BULLETIN of Oct. 1, 1944, p. 338.

"The British Government, after its examination of the problem, reached the conclusion that an expanded supply program to commence a restoration of the Italian economy was advisable. On September 26, 1944 the British Prime Minister and the President joined in a statement setting forth the agreed policy of the two Governments concerning Italy. Pertinent parts of this statement are as follows:<sup>1</sup>

"First and immediate considerations in Italy are the relief of hunger and sickness and fear. To this end we instructed our representatives at the UNRRA Conference to declare for the sending of medical aids and other essential supplies to Italy. We are happy to know that this view commended itself to other members of the UNRRA Council.

"At the same time, first steps should be taken toward the reconstruction of an Italian economy—an economy laid low under the years of the misrule of Mussolino, and ravished by the German policy of vengeful destruction.

"These steps should be taken primarily as military aims to put the full resources of Italy and the Italian people into the struggle to defeat Germany and Japan. For military reasons we should assist the Italians in the restoration of such power systems, their railways, motor transport, roads and other communications as enter into the war situation, and for a short time send engineers, technicians and industrial experts into Italy to help them in their own rehabilitation."

### Bread-Rationing for Italy

[Released to the press January 4]

The British and American Governments have been in agreement for some time on the question of bread-rationing for Italy of 300 grams daily a person. Putting it into effect will be dependent upon obtaining the necessary shipping.

"A series of discussions subsequently has taken place between British and American officials concerning the methods of implementing the joint policy set forth above. There have been no major differences between the British and ourselves in these discussions, and they have resulted in substantial agreement between the two Governments.

"It is perfectly clear that the United States and the United Kingdom Governments are in basic agreement in a desire to provide assistance to enable the Italians to start rebuilding their economic life and furnish the maximum contribution to the war effort.

"It is especially regrettable that, as generally happens when excerpts from documents or one of a series of documents are published without authorization, an erroneous and unjustified impression has been created."

## Non-Military Traffic On Foreign Routes

[Released to the press January 3]

In pursuance of the procedure described in the War Department's recent announcement<sup>1</sup> regarding the movement of non-military traffic on foreign routes of the Army Air Transport Command, the Department of State and American diplomatic and consular establishments abroad are prepared, effective January 1, 1945, to receive applications for air priorities on behalf of passengers and shippers of cargo who are able to meet the priority requirements for the use of planes of the Air Transport Command and the Naval Air Transport Service under the provisions of Executive Order 9492, dated October 24, 1944.<sup>2</sup>

Briefly, such traffic will include non-military and non-naval cargo and passengers certified by the State Department as being in the national interest because their transportation will contribute—

- (1) directly or indirectly to the war effort, or
- (2) to relief or rehabilitation activities in areas affected by the war, or
- (3) to the resumption of economic or other activities disrupted by the war that are necessary for the prompt reestablishment of peacetime conditions,

*provided* that such traffic is of sufficient importance to justify by air.

*and provided* that such traffic cannot reasonably be handled by a United States civil air-carrier.

Applications will be received from individuals, representatives of business firms, religious, educational, and philanthropic organizations, United States Government civilian agencies, or agencies of foreign governments. The forms for applying for transportation are obtainable from the Department of State, diplomatic and consular establishments abroad, passport agencies in the United States, the Bureau of Foreign and Domestic Commerce in Washington, and the 26 regional offices of the Department of Commerce throughout the United States. The applications of representatives of business firms for passenger transportation may be filed with the Bureau of Foreign and Domestic Commerce or with the regional offices. Other applications should be filed direct with the Department of State.

The Department of State and its representatives abroad will maintain close liaison with the priority officers of both the Air Transport Command and the Naval Air Transport Service and certify only such non-war-effort traffic as can be moved on the air-transport facilities of the armed services in space not required for war purposes. Certifications will also be made only when United States commercial airline facilities cannot fill the need and when the traffic is of such importance as to justify movement by air.

Since neither the ATC nor the NATS anticipates that much space will be available in the near future for the movement of non-war-effort traffic, arrangements have been made whereby the overflow of passengers who cannot be moved because of the lack of space may be carried on American flag-vessels under the control of the War Shipping Administration, the Army, and the Navy.

Travelers should, of course, be in possession of passports validated for the desired countries of travel and visaed for those countries.<sup>3</sup> Evidence of effective inoculation against typhoid, paratyphoid, and typhus and vaccination against smallpox is required for travel on most American facilities. In addition, travel to some areas requires inoculation against yellow fever and in some seasons against cholera. The procurement of a passport and the completion of travel arrangements should be accomplished simultaneously in order to avoid confusion and delay.

<sup>1</sup> War Department press release of Dec. 20, 1944.

<sup>2</sup> *Federal Register* 12859. See BULLETIN of Nov. 12, 1944, p. 584.

<sup>3</sup> BULLETIN of Dec. 17, 1944, p. 760.

# A Message for the New Year

Address by THE UNDER SECRETARY OF STATE <sup>1</sup>

(Released to the press January 1)

A New Year's Day message should be a message of hope. There have been few occasions in American history when the New Year's Day was celebrated with a greater awareness by our citizens that the future of our Nation and, indeed, of our civilization is being decided now by the actions and attitudes of each of us.

We have passed through a year of bitter strife. It has been a year, in that sense, not unlike other years when our national stamina has been tested in trial by battle and not found wanting. As a nation at war, we have much for which to be grateful. As *individuals*, many of our people already bear the cost of our country's salvation in personal loss and tragedy.

But today we must look forward, not back, except to profit from the lessons of our errors of the past.

We have before us two fundamental problems beside which all else pales into comparative insignificance, for all else depends upon our attainment of those objectives. Stated tritely, one of those objectives is to win the war against both Germany and Japan and to win it so conclusively that we shall have broken the back of aggressive militarism. The other objective is to build such a peace as has never yet been built by man. Let us then dedicate this day to facing these problems realistically, patriotically, honestly, and soberly.

First, the war. False optimism and wishful thinking are dangerous playthings. They hold us back, and we cannot afford to be held back by any considerations whatsoever. They obscure and befog realistic thinking and the action prompted by realistic thinking. They induce relaxation of effort, and we can afford no relaxation—yet. We still have a hard road ahead, and it may be long. The Nazis are far from beaten. As for Japan, we have but cut into the outer periphery of the Empire. This statement is not for a moment to underrate the magnificent work already accomplished by our armed forces. By every right they have won our confidence and our grateful pride. With brilliant strategy and tactics, with resolute-

ness and grit, they have brought us into position where eventual and certain victory is assured. Similarly our Allies, by almost superhuman gallantry and in spite of appalling losses, have demonstrated a stamina and staying power unknown in the annals of war. Let us never for a moment forget or underestimate their prodigious efforts or their almost indescribable sacrifices. They also deserve our national gratitude.

But in the meantime, let us not give in to the temptation that besets every one of us—the temptation to indulge in the pleasant but unrealistic thinking that the final victory is just around the corner. This New Year's Day should be a day of rededication to the work in hand, a day of girding up our loins for more intensive effort, for willing sacrifice, for grim determination. We Americans do not leave a job half done.

Then, the peace, a peace such as has never yet been built by man. That statement, in itself, may sound like wishful thinking. But that thinking is based on the solid ground of such an upsurge of determination among the peoples of the world as has never before been seen in history—the determination that war, like slavery and torture and disease, must go. And we shall succeed. Have no doubt about that.

Now, in erecting our future world structure for the maintenance of security and peace, we need a new approach to this whole tremendous problem.

First, we must profit from the errors of the past. The flaws and weaknesses of our past ineffective peace machinery must be overcome, as they will be overcome. The peace structures of the past failed because they were superficial; they were like poultices prescribed for cancer—and you can't temporize with cancer.

Second, we must be prepared to make what in the past has been considered sacrifice. I do not mean a sacrifice of sovereignty. The thought of fashioning any kind of superstate is to us wholly repugnant, and no such thought has entered or can enter into our counsels. But we and the other nations devoted to peace must be prepared to join our efforts and a part of our armed forces not only for the common good but for the future security of our own Nation. Is that too great a

<sup>1</sup>Broadcast over the Blue Network on Jan. 1, 1945.



sacrifice to avoid the horrors of another world war, waged with the terrific and as yet unimagined scientific engines of destruction of both military and civilian life that will certainly be used if war comes again? Can any sacrifice be too great to avoid that sort of cataclysm?

Third, we must realize that whatever peace structure is erected, it will not satisfy everybody. We can only aim for what is desirable within the scope of what is attainable. But for the sake of our national way of life and our as yet unborn generations, let us be prepared to give whatever plan may ultimately emerge from the eventual United Nations conference a chance to succeed, with implicit confidence that by the process of trial and error it will mature and prove effective. Whatever plan emerges from that momentous conference *must* be made to succeed, for the alternative is utter tragedy.

I believe with all my heart that if the American people will hold fast to the bright hopes and principles and ideals which have inspired them in the past; if they will refuse to allow their hope for permanent peace to be frustrated; if they will believe in themselves and not only resolutely face their own difficult problems but also seek to understand those of their Allies, who want peace and security as much as we do; and if, above all, they will believe in the future world for which they have fought, *they can have that world.*

Thus we enter 1945.

## Mutual-Aid Agreement, Canada and India

The American Embassy at Ottawa transmitted to the Department, with a despatch of December 2, 1944, a copy of a press release, dated November 27, 1944, of the Department of External Affairs, announcing that a mutual-aid agreement had been concluded between Canada and India. The press release states that the agreement is identical in contents with previous mutual-aid agreements which have been concluded by Canada with the Governments of the United Kingdom, Australia, and New Zealand, the Provisional Government of the French Republic, and the Soviet and Chinese Governments.

The agreement was signed at Ottawa November 17, 1944 and came into force that day.

## Relief Supplies for Allied Nationals Interned in the Far East

[Released to the press January 1]

On October 24, 1944, the Department announced that the Japanese Government had agreed to dispatch a Japanese ship to a Soviet port to pick up relief supplies previously sent from the United States and Canada intended for distribution to American, British, Canadian, Dutch, and other Allied prisoners of war and civilian internees held by Japan.<sup>1</sup>

More than 2,000 tons of food, clothing, medicines, comfort articles, and recreational supplies were taken aboard the Japanese ship, which arrived in Japan on November 11. En route 150 tons of assorted supplies were unloaded at a Korean port for distribution to Allied nationals held in camps in Manchuria and Korea.

Eight hundred tons of these supplies have been allocated by the International Red Cross Committee delegation in Japan for distribution to Allied nationals in camps located in Japan. The remainder, approximately 1,100 tons, has been earmarked for distribution to camps in the Philippines, occupied China, the Netherlands Indies, and other areas to the south where Allied nationals are held.

Recently the Japanese Government offered to transport the supplies allocated for camps outside Japan provided the Allied governments would grant safe-conduct for Japanese ships carrying these supplies as part of their cargo. The Allied military authorities agreed in principle to this proposal. The Japanese Government then made a specific request for safe-conduct for a ship to proceed to Shanghai carrying that portion of these supplies earmarked for camps in occupied China. This Government, acting for itself and its Allied governments, has communicated to the Japanese Government Allied agreement to this request. According to the terms of the safe-conduct the Japanese ship, the *Hosi Maru*, will depart from Japan on January 4 and is scheduled to arrive at Shanghai on January 12.

<sup>1</sup> BULLETIN of Oct. 29, 1944, p. 494.

# The International Civil Aviation Conference at Chicago and What It Means to the Americas

Address by STOKELY W. MORGAN<sup>1</sup>

[Released to the press January 2]

The International Civil Aviation Conference, which met in Chicago November 1, was called primarily for the purpose of making arrangements which would allow international airlines to get into operation as soon as military considerations permit, thus enabling commercial air transport to perform without delay its proper function of providing rapid communication between nations and peoples, in order to renew world trade and commerce after the long stagnation caused by the war. The task was a formidable one because the situation confronting the air-transport industry after the war will be totally different from that in 1939, and because the international machinery which served then would be totally inadequate to meet the new conditions. Especially needed was a new international agreement governing air navigation and air transport to replace the out-of-date Paris and Havana agreements of 1919 and 1929, a new set of technical standards to reflect the gigantic strides which have been made in aviation practice and technique during recent years, and some form of provisional interim arrangements to serve until a new agreement and new standards could be worked out and adopted by all the nations. The Conference was seeking a means to start flying the minute the green light replaces the red on the commercial airways of the world.

During the Conference a group of nations led by Canada and Great Britain stressed the desirability of strict regulation, envisaging a sort of international Civil Aeronautics Authority. Their desire for such control was motivated in part by a fear that without it international services would be put into operation greatly exceeding the actual traffic demands; and that such services, tied as they would be to national political interests and national prestige, must inevitably seek government support, with resulting subsidy races and rate wars. Perhaps even more influential in their thinking

was the fear lest, without some form of international control over routes, rates, and schedules, the United States, with its undisputed leadership in the field of air transport and with what comes close to being a monopoly of long-range transport planes, would so monopolize the world air transport of the immediate future that other nations when ready to enter the competitive race would find themselves outdistanced, the field preempted, and no room left for a newcomer. There was also in some quarters a very apparent desire to offset American skill and efficiency by arbitrary restriction which would give an artificial equality—a desire to put handicap weight on the American entry, so to speak. It is noteworthy that the leading maritime nations had never proposed this form of international control for their merchant shipping.

The United States Delegation opposed the establishment of any international authority with arbitrary regulatory powers in the economic field. They recognized the need for some form of control which would prevent vast numbers of empty or partly empty planes from flying a multiplicity of air routes, supported by government subsidy and operated for reasons of politics rather than business. They felt, however, that the formation of such a regulatory body at this time would be premature since it must work largely without experience and in a new field. Pending the time when world organization in many fields will have become increasingly effective, the United States Delegation took the position that an international civil-aviation council acting as a purely technical study group and in an advisory or consultative capacity would be a valuable instrument for solving many of the problems confronting international aviation, and such a council was proposed by the Conference. It is to be established first, on a provisional basis and later, if experience proves the soundness of the idea, as a permanent institution.

The provisional International Civil Aviation Organization consists of an Assembly to meet once a year, to which all the nations represented at Chicago will belong, and a Council of 21 member

<sup>1</sup> Delivered before a conference of mayors at Miami on Jan. 2, 1945. Mr. Morgan is Chief of the Aviation Division, Office of Transportation and Communications, Department of State.

states, elected by the Assembly every 2 years. The Council will formulate and recommend the adoption of technical standards and procedures, and will study, report, and recommend on problems relating to air navigation and international air transport.

It is worthwhile to note the objectives of the new International Civil Aviation Organization. They are to—

- (a) insure the safe and orderly growth of international civil aviation throughout the world;
- (b) encourage the arts of aircraft design and operation for peaceful purposes;
- (c) encourage the development of airways, airports, and air-navigation facilities for international civil aviation;
- (d) meet the needs of the peoples of the world for safe, regular, efficient, and economic air transport;
- (e) prevent economic waste caused by unreasonable competition;
- (f) insure that the rights of contracting states are fully respected and that every contracting state has a fair opportunity to operate international airlines;
- (g) avoid discrimination between contracting states;
- (h) promote safety of flight in international air navigation; and
- (i) promote generally the development of all aspects of international civil aeronautics.

In the technical field, 12 subcommittees of the Conference labored to produce draft technical annexes to the international agreement, which were accepted by the Conference for further study by the Interim Council. The completeness with which the field was covered is shown by the titles of these annexes:

- (a) Airways Systems
- (b) Communications Procedures and Systems
- (c) Rules of the Air
- (d) Air Traffic Control Practices
- (e) Standards Governing the Licensing of Operating and Mechanical Personnel
- (f) Log Book Requirements
- (g) Airworthiness Requirements for Civil Aircraft Engaging in International Air Navigation
- (h) Aircraft Registration and Identification Marks

- (i) Meteorological Protection of International Aeronautics
- (j) Aeronautical Maps and Charts
- (k) Customs Procedures and Manifests
- (l) Search and Rescue, and Investigation of Accidents

The Conference passed a resolution under which the signatory nations agreed to accept these practices as ones toward which the national practices of these nations should be directed as far and as rapidly as may prove practicable. In other words, it is hoped that the nations of the world will voluntarily adopt these technical standards and practices as their own laws and regulations prior to the time when they can, after further study and revision by the Interim Council, become part of fixed international law. Thus we may very shortly achieve the desirable end that aircraft, flying in all parts of the world, will comply with the same standards, follow the same procedures, give and recognize the same signals, everywhere.

But it was not the most difficult problem of the Conference to agree upon technical matters. As Mayor LaGuardia said on one occasion, "Everybody is against bad weather." Nor was it sufficient to agree upon modern revised principles governing air navigation between nations and to set up an advisory council. All this had been done to a limited extent in Paris in 1919. The problem of getting the transport planes into the air and providing for air commerce between the nations was still unsolved. This problem has been side-stepped by both the Paris and Havana conventions, which specified that matters relating to international air transport should be arranged between the nations by direct agreement. The result had been thoroughly unsatisfactory. Every air-transport line necessitated a series of bargains, one with each nation through which it passed. A nation holding a strategic geographic position on the route was in a position to exercise holdup tactics and in many cases it did so. Special deals were worked out by which one nation or its aircraft were favored at the expense of others; exclusive rights were granted and paid for; discrimination was the rule rather than the exception.

At the beginning of the Conference, the United States Delegation announced the United States doctrine that aircraft should be permitted to go wherever there was a legitimate traffic need, provided only that they should fly reasonably full, a 65 percent load factor being suggested as a reason-



able utilization. Schedules, however, should be increased as rapidly as needed, specifically when planes were operating at more than 65 percent of capacity. Airlines should be free to fly such types of aircraft and such frequencies as sound business judgment should dictate, and there should be no discriminatory practices favoring the aircraft of one nation operating in a given country over the aircraft of another.

The Canadian Delegation was responsible for suggesting what later came to be called the doctrine of the freedoms. They suggested that the nations should grant each to the others the following freedoms of the air with respect to scheduled international air services:

- (1) The privilege to fly across its territory without landing;
- (2) The privilege to land for non-traffic purposes;
- (3) The privilege to put down passengers, mail and cargo taken on in the territory of the state whose nationality the aircraft possesses;
- (4) The privilege to take on passengers, mail and cargo destined for the territory of the state whose nationality the aircraft possesses.

This, as can readily be seen, contains one serious omission. It makes no provision for intermediate, so-called "pick-up", traffic. An airline operating a long route under this Canadian formula would fly with a constantly growing number of empty seats. For example, a plane from New York to Cairo via London, Paris, Geneva, and Rome would drop off at each city the passengers booked to that point and take on none, thus probably arriving at Cairo with perhaps two or three seats occupied. Between New York and Buenos Aires, for instance, only 15 percent of the traffic is through traffic, and therefore we should be able to operate only about one plane a week on that trade route. Such a restriction would strangle the lines of every country except those operated for political reasons with heavy government subsidies.

Nevertheless, this formula was strenuously supported to the last by a number of nations, their reason being that if planes, specifically American planes, were permitted to pick up traffic as they went along and operate all frequencies necessary to accommodate that traffic, local airlines would be stifled in development; the through lines would take it all.

The United States viewpoint, supported with equal vigor by a number of other nations, was that in the post-war world there would be plenty of room for all, and it was not our intention to use through lines to monopolize local traffic. Furthermore, to show that it was not our intention to do so, Dr. Berle, Chief of the United States Delegation and President of the Conference, expressly stated that this Government is prepared to make available civil air-transport planes, when they can be released from military service, to those countries which recognize as we do the right of each nation to maintain friendly intercourse with others. However, through lines could not live or develop on terminal traffic alone as provided under the Canadian formula.

In effect, the formula of the four freedoms alone might well have stopped American operations at the western gateways of Europe, and on the South American routes might have made it impossible to operate on a business basis beyond Trinidad on the east coast and perhaps Guayaquil on the west.

Therefore, the United States Delegation proposed what was designated the fifth freedom:

- (5) The privilege to take on passengers, mail and cargo destined for the territory of any other contracting state and the privilege to put down passengers, mail and cargo coming from any such territory.

It should be observed that in this proposed mutual grant of freedoms three, four, and five, they are only to apply to through services on a reasonably direct route out from and back to the homeland of the state whose nationality the aircraft possesses. The granting of these freedoms does not in any way alter the fact that each state exercises complete and exclusive sovereignty over the airspace above its territory. Furthermore, each nation retains the right to reserve for its own carrier traffic between points within its own territory, so-called "cabotage".

Debate concentrated to a large extent on the so-called "fifth freedom". The Latin American nations in general took the same position as the United States. They had experienced the advantage of having established international air transport serving their countries for many years. While they were to some extent operators themselves and hoped in future to be operating on a larger scale, they were also users of the services of others and realized the benefits to be derived

from free and unrestricted operations. They had been accustomed to grant what had now become known as the fifth freedom without reservation, and they realized from the traffic statistics of their own countries that long trunk-line operations were impossible without it. They supported the United States Delegation in full measure. The Scandinavian nations and the Netherlands likewise supported the position of the United States.

In the end, since unanimity could not be achieved, it was decided that separate documents should be drafted by which the nations could grant and receive the two freedoms and the four freedoms, with or without the fifth. To protect the nations which were fearful that development of their own regional services would be unduly handicapped, it was provided that any state might grant only the four freedoms and neither grant nor receive the fifth. To date, 29 nations have signed the document under which they grant right of transit and technical stop. This, I believe, is the great achievement of the Conference. It gets the plane into the air, not after prolonged bilateral negotiations, with bargaining balanced pro and con, with every nation. American aircraft can now fly to virtually all parts of the world as soon as they are ready.

Some people will say the United States gives up more than it receives by such a grant. I do not think so. Under the system of bilateral agreements you may obtain commercial rights to operate and do business in a certain country and be wholly unable to get there. You must at least have transit rights in all the intervening countries. For example, it does us no good to have commercial rights in continental Europe, Scandinavia, and the Middle and Near East if we cannot cross the Atlantic. And to cross the Atlantic we must have transit rights granted by Canada, Newfoundland, and, if possible, Iceland, Bermuda, and the Azores. In the present development of transport aircraft it is impossible to fly economically from the United States to European territory non-stop. As the result of the agreement prepared at Chicago and submitted for signature by all nations, we are now reasonably sure of obtaining these transit rights. And what do we give up of bargaining value in return? One thing, the Hawaiian stop in the Pacific. By the reciprocal grant of transit rights to Canada and Great Britain, we make possible a Canadian line to Australia and a British line to

the Far East via the Pacific. Well, transit rights in Canada for our trans-Atlantic planes are more than a fair return for letting Canada get through to Australia; and while the British may ultimately run a line to the Far East via Hawaii, they are not dependent on that route; the logical way to go from Great Britain to Australia and the Far East is from London eastward via the Mediterranean, the Near East, and India. Transit rights in Newfoundland and Bermuda and the British Isles are worth far more to us than transit rights at Hawaii are worth to them.

At this point someone should ask, "But what good are these transit rights if no commercial rights go with them?" No good at all if we have no commercial rights anywhere. Their value does indeed depend upon their use to us in reaching countries with which we exchange commercial rights. It is true that only 16 nations signed the five-freedom document at Chicago and all but 4 of them were Latin American nations with which we are already doing business. However, that will not be the final score. For some time it will still be necessary to execute special agreements with the countries which, while not ready to extend these commercial freedoms on a wide basis, are yet ready and willing to welcome American air carriers into their territory. The number is considerable, and in each case as a new nation is added to our list of customers, the right of access will exist based on the general grant of the two freedoms. The full picture and the benefits derived from the Conference cannot be completely ascertained until these supplementary agreements have been concluded. What has been done is very considerable, and each further step will be a step in the right direction. There is still some anxiety and suspicion to be overcome, but once American carriers are in the air and the benefits to be derived from the services they are able to supply become apparent, and the fear that they will stifle local interests becomes allayed, the wider our services will spread and the more useful to ourselves and all the world our aviation will become.

The United States—as it should—has shown the way towards a sound, reasonable but not excessive freedom of the air. It has gone all out for that freedom which Grotius argued for and the advanced nations of two centuries ago fought for as the freedom of the seas—the right of every nation to communicate with every other nation and to



build up its ties of commerce and culture by air as it has been able to do by water.

Against this we have only the views of what I believe is a small minority in this country who think that we should bargain at every step, ask all and give little, and proceed on a basis of strictly power politics. Their position merits careful consideration for it is no doubt sincere, and much will be heard along these lines in the near future. Their chief reason for advocating this course is a fear that our airline industry will be unable to hold its own in competition with foreign operators coming to this country under the reciprocal grant of the so-called "freedom" which foreign nations grant to us.

The idea that American aviation must be protected against foreign competition by closing the doors to foreign operators while forcing them open for our own has, I am glad to say, little support among the people who hope and expect to operate our planes. The American Delegation at Chicago was ably advised by a large group of technical consultants borrowed from the air-transport industry. No step was taken without their advice; nothing was done without this okay. The documents setting up an interim aviation organization and offering the two or the five freedoms to those nations which wished to make similar grants had the full approval of both the policy makers—representatives of the Civil Aeronautics Board, the Civil Aeronautics Authority, and the Department of State—and also of the consultants representing the War and Navy Departments, the airlines, and the manufacturers. It is to be hoped that the nation as a whole will approve and support their decisions.

We must not overlook the fact that if we wish to operate in the territory of foreign nations we must be willing to permit the aircraft of those nations to operate on a basis of reciprocity in United States territory. It is true that before the war American flag carriers operated a network through the Western Hemisphere without the carriers of those nations operating reciprocal services to this country under their own flag. But that was simply because they were not ready or desirous of instituting such operations. Those days are past. Indeed, as soon as American carriers were ready to fly the Atlantic early in 1939, reciprocal rights were demanded by England and France, and even then no nation which had permitted an American carrier to operate in its terri-

tory would admit that it was not entitled to reciprocal rights as soon as its carriers were ready to enjoy them.

The theory that by some form of shrewd bargaining we can obtain landing rights and rights of commercial entry for our carriers while denying them to the nations which grant them to us is unrealistic in the extreme. Nor would it be in our best interest or in the interest of the world in which we must live and work to have such principles prevail. Freedom of transit, freedom of commercial intercourse, unrestricted voyaging in furtherance of legitimate interests on the seas has been a fundamental American principle for centuries. Shall we now favor a return to the restrictive principle of the closed sea and advocate a restricted air and a closed-air commerce?

One very important provision of the Interim Agreement calls for the filing of all existing and future international agreements on aviation matters with the Council, to be made available for public inspection. So ends the era of secrecy and so begins an era of open dealing.

I am asked to tell you what the effect of this Conference will be on the Americas. So far as our relations with Latin America are concerned, it served to show once more the community of interest between ourselves and our neighbors south of the Rio Grande, and our strength in international affairs when we stand together. The Latin American nations supported the United States doctrine of freedom of intercourse and the right to develop air transport in the best interest of all.

Acting on their experience in the past, they showed every willingness to encourage United States operations in their territory and no anxiety lest their own operators be forced out of business. They showed, as capable independent nations should, a confidence in their own ability to take their just and reasonable place in the modern aviation world.

They showed an eagerness to participate in the work of the new organization, through the Assembly and the Council, and to help solve the problems of the new era in aviation. Even before the Conference ended they showed a fine spirit of co-operation and readiness to make sacrifices for the common good. When the votes which elected 20 members to the first Council were counted up, it was found that Latin America had 7 seats to 6 for the continent of Europe, excluding India which had been a helpful and prominent participant in



the Conference, one of the leading candidates for a seat. Therefore, when Norway offered to cede her seat to India, which would have reduced European participation on the Council to 5, Cuba immediately offered to yield her seat to India in place of Norway, thus redressing the balance to 6 seats for Latin America and 6 for Europe and providing a seat for India. I think great praise is due to the Cuban Delegation which, faced with the necessity for quick action and without the opportunity to consult with its Government, did the gallant thing at the right time. By its quick action it enhanced the reputation of all the Latin American group and set an example to all the world.

The Conference means for the Americas, North, Central, and South, not forgetting our air-minded neighbor Canada, the chance to get going in air transport; it opens the door to opportunity to serve and be served, to put to practical commercial use the operational lessons that have been learned by millions of miles of military-transport flying during the war. It means the flags of the American nations can and should soon be seen in many lands, on their own aircraft; it means for the Americas that aviation is to be developed along the lines that are inherent in the political philosophy of these nations—equality of opportunity, rewards based on efficiency, not favor, without discrimination, without exclusion, above all on a basis of expansion to meet the needs of the many, not restriction to protect the interest of the few.

You will ask me what this means for our cities, particularly the inland cities of this country. Will all the benefits accrue to the seaports which dispatched and received the bulk of our commerce by sea? The answer is definitely no. The air-traffic centers of the future will not be coastal cities as such or inland cities as such, but those which economic considerations dictate. An internationally regulated air-transport might not have had such effect. Just as we should in all probability have been forced to stop at the western gateways of Europe and the eastern gateways of Asia, so foreign planes would probably have been stopped at our coastal and territorial frontiers. But the great advantage of aviation is that it utilizes an ocean of air which extends over both land and sea. It need not stop at the water's edge, or hesitate at mountain barriers. To do so is to deny its God-given right of universal entry. So we should see the great airliners of the future taking off from many inland as well as coastal cities on direct routes to foreign cities all over the world.

Similarly, the same cities will become acquainted with the flags of many nations emblazoned on their aircraft making voyages for peaceful commerce. If, as has been said, travel broadens us, travelers in our midst have the same effect. The impact of foreign contacts and the advantages that we derive therefrom hitherto enjoyed by only a few favored cities will be extended to and will be shared by many.

In the words of the President of the Conference, the Honorable Adolf Berle:

"We met in an era of diplomatic intrigue and private and monopolistic privilege. We close in an era of open covenants and equal opportunity and status. . . . We met in the seventeenth century in the air. We close in the twentieth century in the air."

## Double-Taxation Convention And Protocol With France

### PROCLAMATION BY THE PRESIDENT

[Released to the press January 6]

On January 5, 1945 the President proclaimed the convention and protocol between the United States of America and France, signed at Paris on July 25, 1939, for the avoidance of double taxation and the establishment of rules of reciprocal administrative assistance in the case of income and other taxes.

It is provided in article 27 of the convention that it shall become effective on the first day of January following the exchange of the instruments of ratification. According to information cabled to the Department by the American Embassy in Paris, the instruments of ratification of the two Governments were exchanged in the French Foreign Office at 7 p.m. on December 30, 1944. The convention and protocol became effective, therefore, on January 1, 1945, as indicated in the President's proclamation.

It is provided also in article 27 that upon the coming into effect of this convention the convention for the avoidance of double income taxation between the United States of America and France, signed April 27, 1932, shall terminate.

A statement regarding the ratification of the convention and protocol by the President on December 15, 1944, was made in the Department's press release of December 18, 1944.<sup>1</sup>

<sup>1</sup> BULLETIN of Dec. 24, 1944, p. 836.

## Treaty of Alliance and Mutual Assistance, U.S.S.R. and France

On page 1 of the *Information Bulletin* of December 28, 1944 issued by the Soviet Embassy at Washington, a translation of the text of the Treaty of Alliance and Mutual Assistance between the Governments of France and the U.S.S.R., signed at Moscow December 10, 1944, appears as follows:

### TREATY OF ALLIANCE AND MUTUAL ASSISTANCE BETWEEN THE USSR AND THE FRENCH REPUBLIC

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the Provisional Government of the French Republic, determined to prosecute jointly and to the end the war against Germany, convinced that once victory is achieved, the reestablishment of peace on a stable basis and its prolonged maintenance in the future will be conditioned upon the existence of close collaboration between them and with all the United Nations; having resolved to collaborate in the cause of the creation of an international system of security for the effective maintenance of general peace and for insuring the harmonious development of relations between nations; desirous of confirming the mutual obligations resulting from the exchange of letters of September 20, 1941, concerning joint actions in the war against Germany; convinced that the conclusion of an alliance between the USSR and France corresponds to the sentiments and interests of both peoples, the demands of war, and the requirements of peace and economic reconstruction in full conformity with the aims which the United Nations have set themselves, have decided to conclude a Treaty to this effect and appointed as their plenipotentiaries:

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics—Vyacheslav Mikhailovich Molotov, People's Commissar of Foreign Affairs of the USSR;

The Provisional Government of the French Republic—Georges Bidault, Minister of Foreign Affairs;

Who after exchange of their credentials, found in due form, agreed upon the following:

#### Article I

Each of the high contracting parties shall continue the struggle on the side of the other party and on the side of the United Nations until final

victory over Germany. Each of the high contracting parties undertakes to render the other party aid and assistance in this struggle with all the means at its disposal.

#### Article II

The high contracting parties shall not agree to enter into separate negotiations with Germany or to conclude without mutual consent any armistice or peace treaty either with the Hitler government or with any other government or authority set up in Germany for the purpose of the continuation or support of the policy of German aggression.

#### Article III

The high contracting parties undertake also, after the termination of the present war with Germany, to take jointly all necessary measures for the elimination of any new threat coming from Germany, and to obstruct such actions as would make possible any new attempt at aggression on her part.

#### Article IV

In the event either of the high contracting parties finds itself involved in military operations against Germany, whether as a result of aggression committed by the latter or as a result of the operation of the above Article III, the other party shall at once render it every aid and assistance within its power.

#### Article V

The high contracting parties undertake not to conclude any alliance and not to take part in any coalition directed against either of the high contracting parties.

#### Article VI

The high contracting parties agree to render each other every possible economic assistance after the war, with a view to facilitating and accelerating reconstruction of both countries, and in order to contribute to the cause of world prosperity.

#### Article VII

The present treaty does not in any way affect obligations undertaken previously by the high con-

tracting parties in regard to third states in virtue of published treaties.

### *Article VIII*

The present treaty, whose Russian and French texts are equally valid, shall be ratified and ratification instruments shall be exchanged in Paris as early as possible. It comes into force from the moment of the exchange of ratification instruments and shall be valid for 20 years. If the treaty is not denounced by either of the high contracting parties at least one year before the expiration of this term, it shall remain valid for an unlimited time; each of the contracting parties will be able

to terminate its operation by giving notice to that effect one year in advance.

In confirmation of which, the above plenipotentiaries signed the present treaty and affixed their seals to it.

Done in Moscow in two copies, December 10, 1944.

On the authorization of the Presidium of the Supreme Soviet of the USSR

**MOLOTOV**

On the authorization of the Provisional Government of the French Republic

**BIDAULT**

## Presentation of Letters of Credence

### **AMBASSADOR OF THE DOMINICAN REPUBLIC**

[Released to the press January 1]

A translation of the remarks of the newly appointed Ambassador of the Dominican Republic, Señor Emilio Garcia Godoy, upon the occasion of the presentation of his letters of credence, January 1, 1945, follows:

**MR. PRESIDENT:** It is with profound satisfaction that I place in Your Excellency's hands the letters of credence accrediting me as Ambassador Extraordinary and Plenipotentiary of the Government of the Dominican Republic before the Government of the United States of America.

A few years ago I had the good fortune to fill a diplomatic position in this capital, and at that time I began to admire the brilliant efforts which Your Excellency's Government displayed in behalf of the proper form of common existence of all peoples and particularly of those forming the great American family.

In those days of peace the words of Your Excellency and those of the distinguished ex-Secretary of State, Mr. Cordell Hull, indicated to American consciousness the necessity for drawing spiritual ties closer and for creating in our hemisphere an atmosphere favorable to solidary action. The Government of the Dominican Republic has always adhered with sincere and warm friendship to those noble aims of continental solidarity, as is proved by the significant fact that as far back as the beginning of the year 1935 President Trujillo pointed out, in a letter which he addressed

to Your Excellency, the advisability of creating an Association of American Nations which should give to such solidarity a firm juridical structure and an adequate organ of expression and orientation.

When the most reprehensible attack on Pearl Harbor took place on December 7, 1941, the Dominican Government and people, loyally inspired by those same sentiments of solidarity, felt in body and soul the grief of your great nation so cunningly betrayed and attacked. In consequence of that attitude of complete identification with the tragedy and the protest, the Dominican Government, directed by the political thought of General Trujillo, declared war upon the totalitarian powers. Since that time my Government has been unreservedly at the side of your Government and at the side of all the governments of the United Nations, sharing to the very limit of its possibilities in the sacrifices and the efforts which will very shortly culminate in the definitive defeat of the Nazi and Fascist forces and in the organization of a world suited for human dignity and Christianly civilized living.

It is for me, Mr. President, a cause of legitimate satisfaction to return to this capital on a diplomatic mission and, in particular, to begin my new work by giving to Your Excellency, who is at this crucial moment for mankind the noblest incarnation of the democratic ideals of the American people and one of the most brilliant promoters of constructive pan-Americanism, the full assurance that both the Dominican people and the Government



which guides it with rare ability are continuing and will continue to make, with the same faith as always, efforts and sacrifices in behalf of the cause of democracy, which is our common cause.

It gives me further satisfaction to express to Your Excellency the absolute assurance that the Dominican Republic and its illustrious President will cooperate with a deep sense of understanding and with their traditional role of collaboration in the establishment of the world of the future, that new world which will have to be organized, as Your Excellency has repeatedly declared, on a basis of mutual respect, legal equality of nations, good understanding among peoples, and devotion to the inherent principles of justice.

Permit me, Mr. President, to perform now the honor-giving duty which has been entrusted to me by His Excellency President Trujillo of presenting to Your Excellency his most cordial greetings and his sincere good wishes for the greatness of the United States and for Your Excellency's personal well-being.

I respectfully beg Your Excellency to accept at the same time the expression of my most friendly sentiments.

The President's reply to the remarks of Señor Garcia Godoy follows:

**MR. AMBASSADOR:** It gives me great pleasure, Mr. Ambassador, to receive from you the letters whereby His Excellency the President of the Dominican Republic accredits you as Ambassador Extraordinary and Plenipotentiary of the Dominican Republic near the Government of the United States of America. My gratification on this occasion is tempered only by my profound sorrow at the sudden and untimely death of your distinguished predecessor, Señor Don Anselmo Copello.

Your Excellency's remarks concerning the long collaboration between our two countries in the effort to achieve true inter-American solidarity fill me anew with a deep sense of the highly significant role played by the Dominican Republic in the attainment of this objective. The immediate and whole-hearted support your Government and people accorded a sister republic when it was attacked in so brutal and unprovoked a manner at Pearl Harbor demonstrated again the devotion of your country to the cause of pan-Americanism and the unity of the hemisphere in the face of a common foe. My Government and people will never forget

this spontaneous manifestation of true friendship on the part of the Dominican people. I know Your Excellency joins me in hoping for the speedy triumph of our just cause in our common struggle to preserve the principles of democracy and human liberty.

I also wish to express again, Mr. Ambassador, my whole-hearted agreement with your comments concerning the necessity that the world order of the future be based on respect for the independence and freedom of all nations and on their staunch adherence to the eternal principles of justice.

I recall with pleasure Your Excellency's previous record of service as a member of the diplomatic corps in Washington and cordially welcome your return as your country's Ambassador here. The officials of this Government and I are prepared to cooperate with you in every way possible in the performance of your duties and in furthering the friendly spirit which animates our two peoples in their relations with one another.

Please convey to President Trujillo my warm thanks for his greetings and my sincere regard for his well-being and the happiness of the Dominican people. At the same time, please accept my appreciation for Your Excellency's personal expression of friendship, and permit me to extend to you my best wishes for your stay here.

#### AMBASSADOR OF THE PROVISIONAL FRENCH GOVERNMENT

[Released to the press January 1]

A translation of the remarks of the newly appointed Ambassador of the Provisional Government of the French Republic, Mr. Henri Bonnet, upon the occasion of the presentation of his letters of credence, January 1, 1945, follows:

**MR. PRESIDENT:** I have the honor to hand Your Excellency the letters which accredit me near you as Ambassador Extraordinary and Plenipotentiary of the French Republic.

On this occasion I am happy to tell you of the value which, today more than ever, France sets on the traditional friendship which unites her with the United States and of her profound wish that this friendship shall become ever stronger and more vital.

During the difficult years of trial through which she has passed, while remaining with all her soul on the side of free peoples, France has followed with admiration the immense effort realized by

the United States in order to overthrow, in partnership with our Allies, the powers of aggression responsible for the World War. She is proud to have organized her resistance in the face of atrocious persecutions and to have participated at the side of your powerful forces in the liberation of her territory. She holds no wish more dear than to contribute with all her restored strength to the final defeat of our common enemies.

New ties are thus created between our two countries which were already united by a deep affinity and by a common democratic ideal of progress and liberty. This solidarity in war appears to me as a sure promise of reciprocal understanding and of close cooperation on the morrow of victory.

You may be assured that my Government will spare no effort in order that the peace which has been won at the price of so many sacrifices shall be guaranteed by a solid system of security. To this end it is ready to bring its full contribution to the work of international organization which will unite the peace-loving nations in mutual respect and justice.

For my part, Mr. President, I shall let no occasion pass to develop and make more profitable the harmonious relations which exist between our two countries. And I shall consider my most valued privilege that of being able to count on Your Excellency's confidence and kind cooperation in the fulfilment of my mission.

The President's reply to the remarks of Mr. Bonnet follows:

**MR. AMBASSADOR:** The return of a French Ambassador to the United States is an event which gives to me, and will give to the people of this country, a feeling of very special gratification. To you personally I extend a warm welcome and my best wishes for the full success of your mission.

The trials through which the people of France have passed are well known here, and I am confident that nowhere has there been greater satisfaction over the heroic manner in which those trials have been met and are being overcome. At no time did the people of this country doubt the will of the French people to rise against the enemy from without her borders and to reject the undemocratic principles of government which were imposed temporarily from within.

Today we stand at a critical period in the war. Though the road may still be hard, the triumph,

in which all the Allied nations will share, is certain.

I welcome particularly your statement that your Government will spare no effort to bring its full contribution to the maintenance of peace. I know well how important that contribution will be to Europe and the world, and it was this realization which prompted the representatives meeting at Dumbarton Oaks to insure for France in the future world organization the place to which her traditions, her ideals, and her importance entitle her.

You will find every disposition on the part of officials of this Government to facilitate the work of your mission to the fullest possible extent and to work with you for the victory which is our common and immediate goal, as well as for the undying principles which have bound our countries together for a century and a half.

#### AMBASSADOR OF GUATEMALA

[Released to the press January 1]

A translation of the remarks of the newly appointed Ambassador of Guatemala, Señor Don Eugenio Silva Peña, upon the occasion of the presentation of his letters of credence, January 1, 1945, follows:

**MR. PRESIDENT:** The Revolutionary Junta, which at present constitutes the popular Government of my country, has deemed fit to appoint me to represent it, in the capacity of Ambassador and Envoy Extraordinary, before the Government over which Your Excellency so worthily presides.

Surely the sincerity of my personal feelings of affection for the people of the United States, where I received part of my education, and the frank and enthusiastic friendship which I have always expressed for this great democracy were determining factors in my appointment. I have accepted this high honor, Mr. President, with the desire to serve my country and in the assurance that I shall obtain from Your Excellency the support and cooperation necessary for expanding the good relations existing between our two countries, strengthening them by means of a solid structure of mutual esteem and of reciprocal interest in common problems.

From the beginning the Guatemalan people fell in line with the United Nations, and conscious of the era through which the world is pass-

(Continued on next page)



## Reply to Senator Wheeler's Attack Upon the Unconditional Surrender Principle

Statement by THE SECRETARY OF STATE

[Released to the press January 6]

The Secretary of State made the following statement concerning the radio address of January 5 by Senator Burton K. Wheeler:

"Whatever the intention of the speaker, Senator Wheeler's attack upon the unconditional-surrender principle agreed to by the British Government, the Russian Government, the Chinese Government, and our own will be understood in Germany and in Japan as meaning that if these countries can resist long enough, and can kill enough American soldiers, the will of the American people to achieve a complete victory will be broken and a negotiated peace can be secured. The people of Germany and Japan do not know, as the people of the United States do know, that Senator Wheeler speaks not for the American people but for a discredited few whose views have been overwhelmingly rejected by their fellow citizens of every party. Senator Wheeler's statement is, therefore, profoundly regrettable."

GUATEMALA—Continued from page 42.

ing, has desired to enter the course of an authentic democracy by giving itself a government deeply rooted in the freely expressed will of the nation and capable of preserving domestic order and tranquillity as well as fulfilling its international obligations. And it has been cause, Mr. President, for the highest satisfaction of the Guatemalan people that your enlightened Government should have granted recognition to a Revolutionary Junta, an act unprecedented in the history of American public law.

Guatemala, Mr. President, wishes to prepare itself to solve properly the complex problems of the post-war period and, within the framework of continental solidarity, hopes for and will highly appreciate the assistance and good-will of the people and Government of the United States, in whose sincere friendship it trusts.

As I deliver to your hands the autograph credentials which accredit me as Ambassador and Envoy Extraordinary near your Government, please accept the assurances of my consideration

and high esteem together with the sincere wishes which I formulate for your personal happiness and the prosperity of your Nation.

The President's reply to the remarks of Señor Silva Peña follows:

MR. AMBASSADOR: I am pleased to receive from Your Excellency the letters accrediting you as Ambassador Extraordinary and Plenipotentiary of Guatemala and to extend to you a most cordial welcome to the United States.

I am deeply grateful for the contribution which the people and Government of Guatemala have made to hemisphere solidarity and defense. Your profound knowledge of the United States and its democratic institutions coupled with the fact that you have received part of your education here assures me that the spirit of harmony and mutual understanding, which has characterized the close relationship between our two countries, will continue to strengthen under your guidance.

The post-war problems are indeed great. They vie with each other in their complexity. I am confident, however, that their solution will be found within that framework of continental solidarity to which you refer.

In accepting your personal expression of good wishes, please convey to the Junta which heads your Government my own best wishes for their continued health and well-being and for the welfare of the people of Guatemala.

## Final Payment by Mexico Under the Special Claims Convention of 1934

[Released to the press January 2]

The First Secretary of the Mexican Embassy, Señor Don Salvador Duhart, presented to the Secretary of State on January 2, 1945 his Government's check for \$448,020.14, representing the final payment, due January 1, 1945, in accordance with article II of the convention between the United States of America and the United Mexican States signed at Mexico City on April 24, 1934,<sup>1</sup> providing for the *en bloc* settlement of the claims presented by the Government of the United States to the Commission established by the Spe-

<sup>1</sup> Press Releases, Apr. 28, 1934, p. 224.



cial Claims Convention concluded September 10, 1923. With the present payment the total instalments paid since January 2, 1933 amount to \$5,448,020.14.

The First Secretary also presented a check covering interest due under article III of the convention of April 24, 1934.

The Secretary of State thanked the First Secretary for the payment and requested him to convey to his Government an expression of this Government's appreciation.

## Exchange of American And German Nationals

[Released to the press January 5]

The Department of State and the War Department announce that the M.S. *Gripsholm* is expected to leave New York for Marseille on or about January 6 to carry out a further exchange with Germany of seriously sick and seriously wounded prisoners of war who have been found eligible for repatriation under the terms of the Geneva Prisoners of War Convention. There will also be included in this exchange a number of German civilians in United States custody and a number from Mexico who are being repatriated in exchange for United States nationals and nationals of certain of the other American republics. It has been agreed that the repatriables of each side will be delivered in Switzerland on or about January 17 and January 25, 1945 in two separate exchange operations. The Swiss Government has agreed to the use of its facilities to carry out this exchange and is making available approximately 18 hospital trains. The last exchange of sick and wounded prisoners of war with Germany took place at Göteborg, Sweden, in September 1944. The Swedish Government also offered the use of its facilities in the forthcoming exchange.

The *Gripsholm* is expected to return to New York late in February with the American repatriates. This vessel will travel both ways under safe-conduct assurances from all belligerents.

Every effort will be made to dispatch notification to the next of kin of the American repatriates at the earliest possible moment after their identity has been established beyond possibility of doubt.

A representative of the Swiss Government, which acted as intermediary in the exchange nego-

tiations, will travel on the vessel as guarantor of the execution of the exchange agreement, representing the interests of the parties thereto.

## PUBLICATIONS

### DEPARTMENT OF STATE

Nominations for Under Secretary of State and Assistant Secretaries of State: Hearings Before the Senate Committee on Foreign Relations, December 12, 1944. Publication 2231. 20 pp. 5¢.

Dumbarton Oaks Proposals: Address by Leo Pasvolosky, Special Assistant to the Secretary of State. Conference Series 61. Publication 2232. 14 pp. 5¢.

### FOREIGN COMMERCE WEEKLY

The article listed below will be found in the December 30 issue of the Department of Commerce publication entitled *Foreign Commerce Weekly*, copies of which may be obtained from the Superintendent of Documents, Government Printing Office, for 10 cents each:

"The Spanish Bottle Industry", by William L. Smyser, third secretary, American Embassy, Madrid, and Catherine B. Welch, Bureau of Foreign and Domestic Commerce, Department of Commerce.

The following article will be found in the January 6 issue:

"Tobacco in Venezuela", by William P. Wright, assistant commercial attaché, American Embassy, Caracas.

## THE CONGRESS

First Supplemental Appropriation Bill for 1945. Hearings Before the Subcommittee of the Committee on Appropriations, United States Senate, 78th Cong., 2d sess., on H.R. 5587, an act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1944, and for prior fiscal years, and to provide supplemental appropriations for the fiscal years ending June 30, 1945, and June 30, 1946, and for other purposes. 11, 294 pp. [State Department, pp. 28-31.]

Naturalization of Filipinos. Hearings Before the Committee on Immigration and Naturalization, House of Representatives, 78th Cong., 2d sess., on H. R. 2012, H.R. 2776, H.R. 3633, H.R. 4003, H.R. 4229, and H.R. 4826, bills providing for the naturalization of Filipinos. November 2, 1944. 111, 59 pp. [State Department, p. 28.]

Senate Manual: Containing the Standing Rules and Orders of the United States Senate. Prepared under the Direction of the Senate Committee on Rules. 78th Cong., 2d sess., S. Doc. 225. 765 pp.